

**BEFORE THE UNITED STATES JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

IN RE: Bard IVC Filters
Products Liability Litigation

MDL No. 2641

**BARD'S MOTION TO EXPAND THE SCOPE OF MDL NO. 2641
TO INCLUDE CASES INVOLVING THE SIMON NITINOL FILTER**

COME NOW, the defendants C. R. Bard, Inc., and Bard Peripheral Vascular, Inc. (collectively “Bard”) in the pending cases listed in Schedule A to the accompanying brief, and respectfully move the Panel for an order either expanding the scope of MDL No. 2641, *IN RE: Bard IVC Filters Products Liability Litigation* to include cases concerning Bard’s Simon Nitinol Filter (“SNF”); alternatively, pursuant to 28 U.S.C. section 1407, the Panel should create a new MDL for SNF cases before the Honorable David G. Campbell in the District of Arizona.

In support of its Motion, Bard states as follows, as more fully set forth in the accompanying brief:

1. Bard has designed, manufactured, and/or sold various inferior vena cava filters over the years. An inferior vena cava filter is a prescription, implantable medical device that is placed into a patient’s inferior vena cava (the largest vein in the body that returns blood to the heart) to prevent large blood clots that develop in the lower extremities from moving through the heart and into the lungs where they can precipitate a life-threatening condition called a pulmonary embolism. All of Bard’s inferior vena cava filters except one (the SNF) are “retrievable” filters, meaning that they are designed to be placed into the patient’s inferior vena cava for a period of time, and then later can be removed. At their discretion, physicians can also decide to leave these filters in the patient permanently. The SNF is a “permanent” filter, meaning that it is designed to be placed into the patient’s inferior vena cava for the rest of the patient’s life without the option to remove.

Both retrievable and permanent filters are designed to protect the patient against pulmonary embolism.

2. On August 17, 2015, the Panel established *IN RE: Bard IVC Filters Products Liability Litigation*, MDL No. 2641, before the Honorable David G. Campbell in the District of Arizona. The Transfer Order directed centralization of cases involving “Bard’s retrievable inferior vena cava filters,” *In re: Bard IVC Filters Prod. Liab. Litig.*, 122 F. Supp. 3d 1375, 1376 (J.P.M.L. 2015) (emphasis added), which includes Bard’s Recovery, G2, G2X/G2 Express, Eclipse, Meridian, and Denali filters. As currently framed, however, the Transfer Order would exclude the SNF from MDL No. 2641.

3. Shortly after MDL No. 2641 was formed, Judge Campbell entered a case management order that allowed plaintiffs to directly file their complaints in the MDL using a “Short Form Complaint” that identifies the District Court and Division in which venue would be proper absent direct filing. Upon completion of pretrial proceedings, the directly filed cases are expected to be transferred to the District Court identified in the Short Form Complaint. Case Management Or. No. 4, Dec. 17, 2015, at 3.

4. Using the process described in Judge Campbell’s case management order, more than 100 cases involving the permanent SNF have been directly filed in the MDL, each identifying the likely transferor court in the Short Form Complaint. Additionally, one SNF case was filed in state court, removed to federal court, and subsequently transferred to MDL No. 2641. Several of the SNF cases have been dismissed without prejudice, and 86 SNF cases are currently pending in MDL No. 2641.

5. The SNF cases identified in Schedule A to the accompanying brief all will involve common questions of fact about the design, testing, risk profile, interactions with the FDA,

manufacturing, interactions with physicians, marketing, warnings to the medical community, and post-market adverse events concerning the SNF.

6. The SNF cases identified in Schedule A to the accompanying brief also all involve numerous common questions of fact with cases involving Bard's retrievable filters. For example, all Bard inferior vena cava filter cases—retrievable filter and SNF cases alike—concern whether inferior vena cava filters as a class are effective in preventing pulmonary embolism. And all SNF cases and retrievable filter cases concern the medical community's general knowledge and understanding about the risks of inferior vena cava filters as far back as the 1970s and 1980s. Additional examples are discussed in the accompanying brief.

7. Just as the Panel found that coordination or consolidation of the actions involving Bard's retrievable filters was convenient for the parties and witnesses, promoted judicial efficiency, and avoided the potential for inconsistent substantive and procedural determinations, the same is true for the cases involving the SNF.

8. The District of Arizona is the proper forum for coordinated and/or consolidated pretrial proceedings concerning the SNF because, as with the retrievable filters, Bard Peripheral Vascular, Inc., the division of C. R. Bard, Inc. responsible for the SNF, is located in Arizona. As a consequence, the regulatory communications, preparation of marketing materials, post-market marketing, post-market surveillance, the sale and distribution of the SNF, and training of the sales force were overseen and dictated by the division located in Arizona. Likewise, many of the likely corporate fact witnesses concerning the SNF are located in Arizona and are the same witnesses who have been deposed or have been witnesses in the current MDL relating to Bard's retrievable filters.

9. Expanding MDL No. 2641 from Bard's six retrievable inferior vena cava filters to include the SNF would be the most efficient use of the parties' and the judiciary's resources for numerous reasons:

- a) Judge Campbell has informed the parties that he is willing to oversee the SNF cases if the Panel either expands MDL No. 2641 to include the SNF cases or forms a new MDL concerning the SNF cases;
- b) Judge Campbell is already familiar with the SNF and issues surrounding the SNF;
- c) The SNF has played a prominent role in multiple trials that Judge Campbell has presided over;
- d) Judge Campbell has considered SNF issues in multiple dispositive motions during the course of MDL No. 2641;
- e) All federal SNF cases are already pending before Judge Campbell in MDL No. 2641;
- f) Fact and expert discovery conducted in MDL No. 2641 has demonstrated that issues concerning the SNF are intertwined with, and inextricable from, Bard's retrievable filters. Thus, MDL No. 2641 already has resulted in SNF-related discovery, including the production of documents regarding the sales and marketing of the SNF, documents comparing filter performance and failure rates to the SNF, and internal and regulatory communications relating to the SNF; and
- g) Simply expanding MDL No. 2641 to include SNF cases would ensure that the existing discovery in MDL No. 2641 easily can be used in SNF cases, would

ensure that new discovery concerning SNF cases easily can be used in Bard retrievable filter cases, and would ensure consistency in procedural and substantive legal issues across cases.

10. Alternatively, a new MDL concerning the SNF cases is warranted. The SNF MDL should be formed in the District of Arizona before Judge Campbell given his familiarity with the SNF, his familiarity with the allegations in the litigation, his historical knowledge about discovery already completed, his working relationship with counsel for the parties, and his expressed willingness to oversee the SNF cases. Case Management Order No. 38, Oct. 5, 2018, at 6

WHEREFORE, Bard respectfully requests that the Panel expand the scope of MDL No. 2641, *IN RE: Bard IVC Filters Products Liability Litigation* to include cases concerning Bard's SNF; or, alternatively, pursuant to 28 U.S.C. section 1407, establish a new MDL concerning the SNF before Judge Campbell in the District of Arizona.

RESPECTFULLY SUBMITTED this 1st day of November, 2018.

s/ Richard B. North, Jr.

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**BEFORE THE UNITED STATES JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

IN RE: Bard IVC Filters
Products Liability Litigation

MDL No. 2641

**BRIEF IN SUPPORT OF BARD'S MOTION TO EXPAND THE SCOPE OF
MDL NO. 2641 TO INCLUDE CASES INVOLVING THE SIMON NITINOL FILTER**

MDL No. 2641, pending before the Honorable David G. Campbell in the District of Arizona, currently involves product liability cases concerning six Bard retrievable inferior vena cava filters. The only other Bard inferior vena cava filter, the Simon Nitinol Filter (“SNF”), is a permanent inferior vena cava filter that is the subject of similar product liability cases. Although MDL No. 2641 is currently limited to “Bard’s retrievable inferior vena cava filters,” 86 SNF cases are currently pending in the MDL, and Judge Campbell has informed the parties that he is willing to oversee the SNF cases. All of the cases—permanent and retrievable filter alike—concern common and overlapping factual and legal issues with which Judge Campbell is intimately familiar. Discovery concerning the SNF has already occurred in MDL No. 2641: many documents that have been produced discuss the SNF, many witnesses have testified about the SNF, and many experts have offered opinions about the SNF. Thus, given the overlapping issues, the number of cases involved, and likelihood for inconsistent substantive and procedural determinations if the cases progress independently, coordination or consolidation of the SNF cases is warranted. Expanding MDL No. 2641 to include one additional filter would be the most convenient and efficient path forward, but creating a new MDL, pursuant to 28 U.S.C. section 1407, before Judge Campbell that concerns the SNF would be an alternative approach.

FACTS

An inferior vena cava filter is a prescription, implantable medical device that is placed into a patient’s inferior vena cava (the largest vein in the body that returns blood to the heart) to prevent

large blood clots that develop in the lower extremities from moving through the heart and into the lungs where they can precipitate a life-threatening condition called a pulmonary embolism. Bard has designed, manufactured, and/or sold various inferior vena cava filters over the years. All of Bard's inferior vena cava filters except one (the SNF) are "retrievable" filters, meaning that they are designed to be placed into the patient's inferior vena cava for a period of time, and then later can be removed. At their discretion, physicians can also decide to leave these filters in the patient permanently. The SNF is a "permanent" filter, meaning that it is designed to be placed into the patient's inferior vena cava for the rest of the patient's life without the option to remove. Both retrievable and permanent filters are designed to protect the patient against pulmonary embolism.

On August 17, 2015, the Panel established *IN RE: Bard IVC Filters Products Liability Litigation*, MDL No. 2641, before the Honorable David G. Campbell in the District of Arizona. The Transfer Order directed centralization of cases involving "Bard's retrievable inferior vena cava filters" *In re: Bard IVC Filters Prod. Liab. Litig.*, 122 F. Supp. 3d 1375, 1376 (J.P.M.L. 2015). Bard's retrievable filters are the Recovery Filter, G2 Filter, G2X/G2 Express Filter, Eclipse Filter, Meridian Filter, and Denali Filter. Cases involving each of these filters are currently pending in MDL No. 2641.

In December 2015, Judge Campbell entered a case management order to allow the plaintiffs to file complaints directly in the MDL, rather than going through the transfer process from the venues in which the cases would otherwise be filed. The plaintiffs were permitted to file a "Short Form Complaint" that identified the District Court and Division in which venue would be proper absent direct filing. Upon completion of pretrial proceedings, the directly filed cases are expected to be transferred to the District Court identified in the Short Form Complaint. Case Management Or. No. 4, Dec. 17, 2015, at 3, attached as Exhibit A.

Since December 2015, more than 100 SNF cases have been directly filed in the MDL, and each Short Form Complaint identified the likely transferor court. Additionally, one SNF case was filed in California state court, removed to federal court, and then transferred to MDL No. 2641. All federal-court SNF cases are currently pending in MDL No. 2641, and a listing of all such cases is attached as Schedule of Actions, attached as Exhibit C. Although several of the SNF cases have been dismissed, and the plaintiffs in several other cases have announced their intent to dismiss their actions, 86 SNF cases are still pending in MDL No. 2641. Judge Campbell has informed the parties that he is willing to oversee the SNF cases if the Panel either expands MDL No. 2641 to include the SNF cases or forms a new MDL concerning the SNF cases. Case Management Order No. 38, Oct. 5, 2018, at 6, attached as Exhibit B.

As product liability cases involving the same product, the SNF cases will involve common questions of fact about the SNF's design, testing, risk profile, manufacturing, and labeling. The SNF cases also involve common questions of fact about Bard's interactions with the FDA, sales activity, marketing, employee training, interactions with physicians, warnings provided to the medical community, and post-market adverse event monitoring and analysis concerning the SNF. Nearly all of these issues concern information and activities that occurred in, or were directed from, Arizona. Most of the Bard current and former employees who are the likely corporate fact witnesses in the SNF cases are likewise located in Arizona, and many of them are the same witnesses who have been deposed or testified at bellwether trials in MDL No. 2641.

Fact and expert discovery in MDL No. 2641 have demonstrated that issues concerning the SNF and Bard's retrievable filters are intertwined and inextricable. For example, discovery concerning Bard's retrievable filters has resulted in the production of over 145,000 documents that discuss the SNF. These documents concern SNF-related submissions to the FDA, the sales and

marketing of the SNF, documents comparing filter performance and failure rates to the SNF, and internal and regulatory communications relating to the SNF. These documents have been used already in cases involving Bard's retrievable filters.

Additionally, in their depositions about Bard's retrievable filters, 88 Bard witnesses have been questioned about and/or testified about the SNF. Bard expects that when its witnesses are deposed about the SNF, the witnesses likewise will face questions about retrievable filters. Moreover, in the three MDL trials concerning Bard's retrievable filters, the jury considered extensive evidence, testimony, expert opinion, and arguments concerning the SNF. Bard expects that the trials involving the SNF will similarly concern evidence, testimony, expert opinion, and arguments concerning retrievable filters.

Finally, several major issues in the litigation are common to both the SNF and Bard's retrievable filters. Every case involves factual questions about whether inferior vena cava filters as a whole are effective in preventing pulmonary embolism. Every case involves factual questions about what the medical community has known for decades (stretching back to the 1970s and 1980s) about the risks associated with inferior vena cava filters as a whole. Every case involves factual questions about FDA's role in considering and overseeing pre-market and post-market issues concerning implantable medical devices and inferior vena cava filters. Every case involves the same metallurgical (all of the filters are made of the metal nitinol) issues about fracture resistance and use of electron microscopy to evaluate surface finishes. And every case involves evidence of different types of, and sufficiency of, bench testing of the filters, as well as types of, and sufficiency of, animal and clinical testing of the filters.

ARGUMENT

For the convenience of parties and witnesses and to promote the just and efficient conduct of the SNF cases, the Panel should expand the scope of MDL No. 2641 to include cases concerning Bard's SNF. Alternatively, pursuant to 28 U.S.C. section 1407, the Panel should establish a new MDL concerning the SNF before Judge Campbell in the District of Arizona.

A. The Panel should expand MDL No. 2641 to include SNF cases.

The Panel is empowered to expand the scope of an existing MDL where the cases proposed to be consolidated involve common questions of fact with the actions in the existing MDL. *See, e.g., In re Generic Digoxin & Doxycycline Antitrust Litig.*, 222 F. Supp. 3d 1341, 1343-44 (J.P.M.L. 2017) (expanding scope of MDL No. 2724 beyond generic digoxin and doxycycline to include additional generic drugs that shared common questions of fact with the actions in MDL No. 2724); *In re Viagra (Sildenafil Citrate) Prod. Liab. Litig.*, 224 F. Supp. 3d 1330, 1332 (J.P.M.L. 2016) (expanding scope of MDL No. 2691 from cases involving only Viagra to include Cialis cases where both types of cases involved common questions of fact).

Here, MDL No. 2641 already involves six types of Bard filters: Recovery Filter, G2 Filter, G2X/G2 Express Filter, Eclipse Filter, Meridian Filter, and Denali Filter. Just as the Panel found that cases involving each of the six "retrievable" Bard filters shared facts in common with one another, cases involving the SNF share facts in common with cases involving the retrievable filters. As noted above, over 140,000 documents discussing the SNF have already been produced in MDL No. 2641, 88 Bard witnesses have been questioned about and/or testified about SNF, and the three trials in MDL No. 2641 dealt with issues involving the SNF. Bard anticipates that SNF cases will likewise involve documents, deposition testimony, and trials that deal with issues regarding Bard retrievable filters. *In re Generic Digoxin & Doxycycline Antitrust Litig.*, 222 F. Supp. 3d at 1343

(J.P.M.L. 2017) (noting, as a factor in expanding the MDL, that “the same witnesses are likely [to be] subject to discovery across all actions”). Moreover, numerous global questions of fact concern all Bard filters, retrievable and SNF alike, including whether inferior vena cava filters as a whole are effective; the medical community’s knowledge about risks associated with inferior vena cava filters as a whole; the nature of the scientific literature about inferior vena cava filters as a whole; the FDA’s role in considering safety and efficacy of implantable medical devices and inferior vena cava filters; the metallurgical properties of nitinol, which comprise all of Bard’s inferior vena cava filters; and the nature and sufficiency of bench testing, animal testing, and clinical studies about inferior vena cava filters as a whole. *In re Viagra (Sildenafil Citrate) Prod. Liab. Litig.*, 224 F. Supp. 3d at 1332 (noting, as a factor in expanding the MDL, that “[t]he actions likely will involve overlapping discovery concerning many of the same scientific studies, common expert witness issues, and duplicative pretrial motions.”) Given these circumstances, “including an additional product in the MDL is warranted.” *Id.*

Moreover, other practical considerations weigh in favor of expanding MDL No. 2641. Judge Campbell, having presided over MDL No. 2641 for over three years, is intimately familiar with the parties, counsel, the factual issues concerning Bard’s retrievable filters and the SNF, as well as the recurring procedural and substantive legal issues. And Judge Campbell has informed the parties that he is willing to oversee the SNF cases if the Panel expands MDL No. 2641 to include the SNF cases. The SNF cases can proceed most expeditiously with several dozen case management orders already in place that govern nearly every aspect of discovery, and significant fact and expert discovery already having occurred concerning the SNF.

Expanding MDL No. 2641 to include the SNF cases also will avoid a host of inefficiencies, many of which likely will not be apparent until in the throes of discovery (should the MDL not be

expanded to include SNF cases). However, readily identifiable inefficiencies would include potentially changing the venue of 86 SNF cases, starting any coordinated or consolidated proceedings from scratch, re-litigating the scope and contents of a protective order, re-litigating the scope and contents of an ESI protocol, isolating and re-producing SNF-related documents, re-doing privilege logs, re-doing a deposition protocol, re-deposing witnesses about SNF-related issues, rehashing expert issues that involve common questions of fact with the retrievable filter cases (e.g., filter efficacy, metallurgical issues, and regulatory issues), reconfiguring and reproducing expert reports, and litigating potentially redundant *Daubert* challenges. All of these issues, and likely many more, can be avoided by expanding MDL No. 2641 to include SNF cases. Finally, any discovery conducted in SNF cases that is separate from MDL No. 2641 will need to be constantly re-produced and/or cross-noticed in MDL No. 2641 (and vice versa).

For all of these reasons, expanding the existing MDL No. 2641 to include SNF cases best promotes the just and efficient conduct of both the SNF cases and the retrievable filter cases.

B. Alternatively, the Panel should form a new MDL concerning the SNF in the District of Arizona before Judge Campbell.

Pursuant to 28 U.S.C. section 1407(c), a party to a civil action suitable for coordinated or consolidated pretrial proceedings may move to initiate such proceedings. Coordinated or consolidated proceedings are warranted when one or more common questions of fact are pending in different districts, and such proceedings will be for the convenience of the parties and witnesses and will promote the just and efficient conduct of such actions. 28 U.S.C. § 1407(a).

Here, C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. are named defendants in each of the 86 cases listed in Exhibit C. Pursuant to a case management order in MDL No. 2641, 85 of the 86 SNF cases were filed directly in MDL No. 2641, and the district courts that the plaintiffs identified as the proper venue absent direct filing reflect 40 different district courts (this

information is also included in Exhibit C). Thus, for purposes of this Motion, the SNF cases should be treated as venued across 40 different district courts.

The 86 SNF cases are product liability actions that will concern many common questions of fact related to the SNF's design, testing, risk profile, manufacturing, and labeling. The SNF cases also involve common questions of fact about Bard's interactions with the FDA, sales activity, marketing, employee training, interactions with physicians, warnings provided to the medical community, and post-market adverse event monitoring and analysis concerning the SNF.

Centralization of the cases will serve the convenience of the parties and witnesses and will promote the just and efficient conduct of the litigation. Without an MDL, the 86 SNF cases will be dispersed across more than 40 different district courts, thereby virtually assuring duplicative and inconsistent discovery, inconsistent pretrial rulings, inconsistent privilege rulings, and inconsistent *Daubert* rulings—centralization of the cases will eliminate these issues, and will conserve the resources of the parties, their counsel, and the judiciary. *In re: Bard IVC Filters Prod. Liab. Litig.*, 122 F. Supp. 3d 1375, 1376 (J.P.M.L. 2015) (citing these issues as factors warranting centralization of cases involving Bard's retrievable filters).

Finally, the District of Arizona is the appropriate transferee district. Nearly all of the relevant SNF-related activity occurred in, or was directed from, Arizona. Most of the Bard current and former employees who are the likely fact witnesses in the SNF cases are likewise located in Arizona where Bard Peripheral Vascular is headquartered and have also been fact witnesses in the current MDL. Judge Campbell has informed the parties that he is willing to oversee the SNF cases if the Panel forms a new MDL. As discussed above, Judge Campbell is already familiar with the factual and legal issues involved in the cases, and he has worked with the parties' counsel for several years already. *In re Am. Investors Life Ins. Co. Annuity Mktg. and Sales Practices Litig.*,

398 F. Supp. 2d 1361, 1362 (establishing an MDL before a judge who “has already developed familiarity with the issues present in this docket as a result of presiding over motion practice and other pretrial proceedings in the actions pending before her for the past year”). As such, the District of Arizona has the capacity and resources to successfully manage an SNF-related MDL.

Accordingly, if the Panel determines that expanding MDL No. 2641 is not warranted, it should establish an MDL for the SNF cases before Judge Campbell in the District of Arizona.

CONCLUSION

For the foregoing reasons, Bard respectfully requests that the Panel expand the scope of MDL No. 2641, *IN RE: Bard IVC Filters Products Liability Litigation* to include cases concerning Bard’s SNF; or, alternatively, pursuant to 28 U.S.C. section 1407, establish a new MDL concerning the SNF before Judge Campbell in the District of Arizona.

RESPECTFULLY SUBMITTED this 1st day of November, 2018.

s/ Richard B. North, Jr.
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products Liability
Litigation,

No. MDL 15-02641-PHX DGC

**CASE MANAGEMENT ORDER
NO. 4**

**(Master Complaint, Master
Responsive Pleading, Use of Short
Form Complaint, and Waiver of
Service for Bard Defendants)**

The parties have submitted a Master Long Form Complaint and Jury Demand (previously docketed as Doc. 303-1) and a Master Responsive Pleading (previously docketed as Doc. 303-3). The Court has reviewed these proposed pleadings, finds them sufficient, and directs the Clerk to file them as separate documents in the Court's docket.¹ The parties have also submitted a proposed Short Form Complaint, a copy of which is attached to this order. The Court also finds this proposed pleading to be sufficient.

IT IS ORDERED:

All allegations pled in the Master Complaint and all responses pled in the Master Responsive Pleading are deemed pled in any previously filed Complaint and Responsive Pleading in this MDL proceeding, except as expressly noted below. They are also deemed pled in any Short Form Complaint and Entry of Appearance filed after the entry of this

¹ The reference to "Federal Rule of Evidence 8" on the first page of the Master Complaint shall be deemed to be a reference to Federal Rule of Civil Procedure 8.

1 order, except that the Master Complaint applies only against the Defendant or Defendants
2 identified in such future-filed Short Form Complaints.

3 The following cases will not be governed by the Master Complaint and Master
4 Responsive Pleading, but will continue to be governed by the complaints (including any
5 amended complaints) and answers filed in the various transferor courts prior to transfer:
6

7 Plaintiff	Original Jurisdiction
8 1. Cason, Pamela	GA – N.D. Ga. 1:12-cv-1288
9 2. Coker, Jennifer	GA – N.D. Ga. 1:13-cv-515
10 3. Conn, Charles	TX – S.D. Tex. 4:14-cv-298
11 4. Ebert, Melissa	PA – E.D. Pa. 5:12-cv-1253
12 5. Fox, Susan	TX – N.D. Tex. 3:14-cv-133
13 6. Henley, Angela	WI – E.D. Wis. 2:14-cv-59
14 7. Keen, Harry	PA – E.D. Pa. 5:13-cv-5361
15 8. Milton, Gary	GA – M.D. Ga. 5:14-cv-351
16 9. Mintz, Jessica	NY – E.D.N.Y. 2:14-v-4942
17 10. Ocasio, Denise	FL – M.D. Fla. 8:13-cv-1962

Plaintiff	Original Jurisdiction
11. Rivera (McClarty), Vicki	MI – E.D. Mich. 4:14-cv-13627
12. Smith, Erin	TX – E.D. Tex. 1:13-cv-633
13. Tillman, Lessie	FL – M.D. Fla. 3:13-cv-222

On or after **December 28, 2015**, any plaintiff whose case would be subject to transfer to MDL 2641 may file his or her case directly in this Court by using the Short Form Complaint. If such a case is filed in this Court without the use of the Short Form Complaint, Plaintiffs' Co-Lead Counsel shall promptly advise the filing party to file an amended complaint using the Short Form Complaint. If the filing party fails to do so, Plaintiffs' Co-Lead Counsel shall promptly notify the Court.

Defendants are not required to file answers to Short Form or Amended Short Form Complaints. An Entry of Appearance shall constitute a denial of all allegations in the Short Form or Amended Short Form Complaints except as herein provided, and an assertion of all defenses included in the Master Responsive Pleading. By filing an Entry of Appearance in response to a Short Form Complaint, in lieu of an answer, Defendants do not waive any defenses, including jurisdictional and service defenses.

Defendants shall have 60 days from the entry of this order to file any motion for failure of the Master Complaint to state a claim upon which relief may be granted pursuant to Rule 12(b)(6) and 12(h)(2), and Plaintiff's shall have 30 days to respond.

Civil actions in this MDL were transferred to this Court by the Judicial Panel on Multidistrict Litigation for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Upon completion of the pretrial proceedings related to a civil action as determined by this Court, the case shall be transferred pursuant to 28 U.S.C. § 1404(a) or § 1406(a) to the District Court identified in the Short Form Complaint, provided the

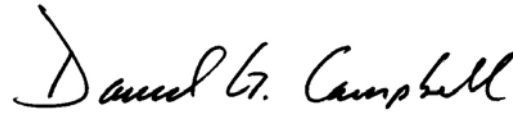
1 parties choose not to waive *Lexecon, Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523
2 U.S. 26 (1998). The fact that a case was filed directly in this District and MDL
3 proceeding shall not constitute a determination by this Court that jurisdiction or venue are
4 proper in this District, and shall not result in this Court being deemed the “transferor
5 court” for purposes of this MDL. In addition, filing a Short Form Complaint in this
6 District shall have no impact on the conflict of law rules to be applied to the case. Instead,
7 the law of the jurisdiction where the case is ultimately transferred will govern any conflict
8 of law. Prior to transfer, Defendants may object to the district specified in the Short Form
9 Complaint, based on venue or jurisdiction (including a lack of personal jurisdiction based
10 on *Daimler AG v. Bauman*, 134 S. Ct. 746 (2014)), and propose an alternative jurisdiction
11 for the Court’s consideration.

12 Subject to the conditions set forth in this order, Defendant C.R. Bard, Inc. and Bard
13 Peripheral Vascular, Inc. (collectively “Bard”) waive service of process in cases filed in
14 this Court using the Short Form Complaint and in which they are named as defendants
15 and one or more IVC filter products either manufactured or distributed by Bard is alleged
16 to be at issue. For such cases, Plaintiffs shall send a Short Form Complaint and a request
17 for waiver of service pursuant to the provisions of Fed. R. Civ. P. 4 to Richard B. North,
18 Jr. by email to richard.north@nelsonmullins.com; maria.turner@nelsonmullins.com; and
19 matthew.lerner@nelsonmullins.com. Counsel for Bard shall return the signed waiver
20 requests to the Court within the time permitted by Fed. R. Civ. P. 4. Plaintiffs submitting
21 a request for waiver shall not seek to hold Bard in default for failure to timely answer or
22 otherwise respond to a complaint in which service has been accomplished pursuant to the
23 terms of this order without first giving Bard written notice of the alleged default and ten
24 business days in which to cure any alleged default.

25 Prior to a Plaintiff’s attorney filing a Short Form Complaint in this Court, that
26 attorney must register for or already have a District of Arizona CM/ECF log-in name and
27 password. If the Plaintiff’s attorney does not already have a District of Arizona CM/ECF
28 log-in name and password, that attorney **must** file the Short Form Complaint in paper

1 form with the Clerk of Court and simultaneously file an Application of Attorney for
2 Admission to Practice Pro Hac Vice pursuant to LRCiv 83.1(b)(2) (including all necessary
3 attachments and filing fee).

4 Dated this 17th day of December, 2015.

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9

David G. Campbell
United States District Judge

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

7 **MASTER SHORT FORM COMPLAINT**
8 **FOR DAMAGES FOR INDIVIDUAL**
9 **CLAIMS**

10 Plaintiff(s) named below, for their Complaint against Defendants named below,
11 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.____).

12 Plaintiff(s) further show the Court as follows:

13 1. Plaintiff/Deceased Party:

14 _____

15 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
16 consortium claim:

17 _____

18 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
19 conservator):

20 _____

21 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
22 the time of implant:

- 1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
2 the time of injury:
3 _____
- 4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:
5 _____
- 6 7. District Court and Division in which venue would be proper absent direct filing:
7 _____
- 8 8. Defendants (check Defendants against whom Complaint is made):
- 9 ☐ C.R. Bard Inc.
- 10 ☐ Bard Peripheral Vascular, Inc.
- 11 9. Basis of Jurisdiction:
- 12 ☐ Diversity of Citizenship
- 13 ☐ Other: _____
- 14 a. Other allegations of jurisdiction and venue not expressed in Master
15 Complaint:
16 _____
17 _____
18 _____
- 19 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a
20 claim (Check applicable Inferior Vena Cava Filter(s)):
- 21 ☐ Recovery[®] Vena Cava Filter
- 22 ☐ G2[®] Vena Cava Filter

1 € G2[®] Express (G2[®]X) Vena Cava Filter

2 € Eclipse[®] Vena Cava Filter

3 € Meridian[®] Vena Cava Filter

4 € Denali[®] Vena Cava Filter

5 € Other: _____

6 11. Date of Implantation as to each product:

7 _____
8 _____

9 12. Counts in the Master Complaint brought by Plaintiff(s):

- 10 ☐ Count I: Strict Products Liability – Manufacturing Defect
- 11 ☐ Count II: Strict Products Liability – Information Defect (Failure to
- 12 Warn)
- 13 ☐ Count III: Strict Products Liability – Design Defect
- 14 ☐ Count IV: Negligence - Design
- 15 ☐ Count V: Negligence - Manufacture
- 16 ☐ Count VI: Negligence – Failure to Recall/Retrofit
- 17 ☐ Count VII: Negligence – Failure to Warn
- 18 ☐ Count VIII: Negligent Misrepresentation
- 19 ☐ Count IX: Negligence *Per Se*
- 20 ☐ Count X: Breach of Express Warranty
- 21 ☐ Count XI: Breach of Implied Warranty
- 22 ☐ Count XII: Fraudulent Misrepresentation

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- ☐ Count XIII: Fraudulent Concealment
- ☐ Count XIV: Violations of Applicable _____ (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☐ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

1 RESPECTFULLY SUBMITTED this ____ day of November, 2015.

2 **GALLAGHER & KENNEDY, P.A.**

3 By: /s/

4 Robert W. Boatman

5 Mark S. O'Connor

6 Paul L. Stoller

7 Shannon L. Clark

8 C. Lincoln Combs

9 2575 East Camelback Road

10 Phoenix, Arizona 85016-9225

11 **LOPEZ McHUGH LLP**

12 Ramon Rossi Lopez (CA Bar No. 86361)

13 (admitted *pro hac vice*)

14 100 Bayview Circle, Suite 5600

15 Newport Beach, California 92660

16 *Attorneys for Plaintiffs*

17 I hereby certify that on this ____ day of November, 2015, I electronically transmitted
18 the attached document to the Clerk's Office using the CM/ECF System for filing and
19 transmittal of a Notice of Electronic Filing.
20
21
22

/s/

1
2
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5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8
9 IN RE: Bard IVC Filters Products Liability
10 Litigation,

No. MDL 15-02641-PHX-DGC

11 **CASE MANAGEMENT ORDER**
12 **NO. 38**
13
14

15 Following the close of evidence in the Hyde case, the Court conferred with the
16 parties regarding scheduling matters. On the basis of the conference, the Court enters the
17 following order.

18 **I. Future Bellwether Trials.**

19 The Court confirmed that it will hold two more bellwether trials in this MDL
20 proceeding – Plaintiffs Mulkey and Tinlin. The Court will not hold a sixth bellwether
21 trial. Because discovery in the Tinlin case is still being completed and Ms. Mulkey’s
22 health appears at this time to permit a trial, the Court will hold the Mulkey trial in
23 February and the Tinlin trial in May. In the meantime, the Tinlin discovery schedule set
24 forth in Doc. 12061, as modified by Doc. 12759, shall remain in place. The Court will
25 rule as promptly as possible on the motion for summary judgment in the Mulkey case. If
26 the Court grants summary judgment in Mulkey, the Tinlin trial will be held in February.
27 If Ms. Mulkey’s health worsens, the Court will hear from the parties on whether the
28 Tinlin trial should be moved to February, but this issue should be raised with the Court

1 during the week of November 12, 2018, in light of the jury questionnaire schedule set
2 forth below.

3 **II. February Bellwether Trial.**

4 **A. Jury Questionnaire and Jury Selection.**

5 1. By **November 26, 2018**, the parties shall provide the Court with
6 proposed changes to the questionnaire used in the Hyde bellwether trial. The Court will
7 consider these proposals in finalizing the questionnaire for the February trial.

8 2. The Clerk shall mail the questionnaire to 200 jurors no later than
9 **November 30, 2018**. The questionnaire will instruct the prospective jurors to return it to
10 the Court no later than **January 4, 2019**.

11 3. A thumb drive will be prepared for counsel (one for each side)
12 containing copies of the questionnaires and will be available for pickup at the jury office
13 on **January 11, 2019**. The thumb drive and any paper copies made by counsel must be
14 returned to the Court by counsel on the day of jury selection.

15 4. On **January 18, 2019**, the Court will provide the parties with a list
16 of prospective jurors the Court proposes to excuse for hardship on the basis of their
17 responses to the first question in the questionnaire.

18 5. The Court will hold a final pretrial conference case on
19 **January 28, 2019 at 10:00 a.m.** At the final pretrial conference, counsel will be
20 permitted to challenge the Court's excusal of any of the listed jurors for hardship. If
21 counsel do not object to the Court's proposed excusal of a particular juror for hardship,
22 that juror will be excused from further involvement in this case. After hearing counsel's
23 objections to hardship excusals, the Court will determine which of the challenged jurors
24 should be excused for hardship and which should appear for voir dire. In addition,
25 counsel shall be prepared to make challenges for cause to jurors on the basis of
26 information contained in their questionnaires. These challenges should be limited to
27 jurors who clearly could not serve as a fair juror on the basis of their questionnaire
28 answers. The Court will rule on these challenges at the final pretrial conference. All

1 prospective jurors who returned questionnaires and who have not been excused for
2 hardship or successfully challenged for cause will be candidates for voir dire.

3 6. On **February 11, 2019, at 9:00 a.m.**, 50 prospective jurors will be
4 called to Court to appear for voir dire. The Court will permit counsel to ask follow-up
5 questions of individual jurors based on information contained in the juror questionnaires.
6 Counsel should not venture into new subjects – they should limit their follow-up
7 questions to the items covered in the questionnaire. Following voir dire, the Court will
8 hear and rule on challenges for cause.

9 7. The Court will seat 9 jurors. Each side will have 3 pre-emptory
10 strikes.

11 8. The Court anticipates that opening statements and evidence trial will
12 begin on the afternoon of **February 11, 2019**.

13 **B. Dispositive and *Daubert* Motions.**

14 Dispositive and *Daubert* motions in the Tinlin case shall be filed by
15 **December 7, 2018**, responses by **December 21, 2018**, and replies by **December 28,**
16 **2019**. See Doc. 12061 ¶ 7.

17 **C. Motions in Limine.**

18 Motions in limine, limited to three pages each, shall be filed by
19 **December 14, 2018**. Responses to motions in limine, limited to three pages each, shall
20 be filed by **December 28, 2019**. No replies shall be filed.

21 **D. Deposition Designations.**

22 The parties shall provide deposition designations by **December 14, 2019**.

23 **E. Final Pretrial Order.**

24 The proposed final pretrial order shall be submitted by **January 11, 2019**. The
25 Court will enter a separate order governing the materials that should be submitted with
26 the final pretrial order.

27 **F. Final Pretrial Conference.**

28 The Court will hold a final pretrial conference on **January 28, 2019 at 10:00 a.m.**

1 **G. Trial Days.**

2 Trial in will be held on **February 11-15, 19-22, 25-28, and March 1, 2019.**
3 Plaintiff will be allotted 33 hours of trial time and Defendants will be allotted 30 hours of
4 trial time. This schedule should allow the case to get to the jury by the morning of
5 February 28, 2019.

6 **III. May Bellwether Trial.**

7 **A. Jury Questionnaire and Jury Selection.**

8 1. By **March 1, 2019**, the parties shall provide the Court with proposed
9 changes to the questionnaire. The Court will consider these proposals in finalizing the
10 questionnaire.

11 2. The Clerk shall mail the questionnaire to 200 jurors no later than
12 **March 8, 2019.** The questionnaire will instruct the prospective jurors to return it to the
13 Court no later than **April 5, 2019.**

14 3. A thumb drive will be prepared for counsel (one for each side)
15 containing copies of the questionnaires and will be available for pickup at the jury office
16 on **April 12, 2019.** The thumb drive and any paper copies made by counsel must be
17 returned to the Court by counsel on the day of jury selection.

18 4. On **April 19, 2019**, the Court will provide the parties with a list of
19 prospective jurors the Court proposes to excuse for hardship on the basis of their
20 responses to the first question in the questionnaire.

21 5. The Court will hold a final pretrial conference case on
22 **April 30, 2019 at 10:00 a.m.** At the final pretrial conference, counsel will be permitted
23 to challenge the Court's excusal of any of the listed jurors for hardship. If counsel do not
24 object to the Court's proposed excusal of a particular juror for hardship, that juror will be
25 excused from further involvement in this case. After hearing counsel's objections to
26 hardship excusals, the Court will determine which of the challenged jurors should be
27 excused for hardship and which should appear for voir dire. In addition, counsel shall be
28 prepared to make challenges for cause to jurors on the basis of information contained in

1 their questionnaires. These challenges should be limited to jurors who clearly could not
2 serve as a fair juror on the basis of their questionnaire answers. The Court will rule on
3 these challenges at the final pretrial conference. All prospective jurors who returned
4 questionnaires and who have not been excused for hardship or successfully challenged
5 for cause will be candidates for voir dire.

6 6. On **May 13, 2019, at 9:00 a.m.**, 50 prospective jurors will be called
7 to Court to appear for voir dire. The Court will permit counsel to ask follow-up questions
8 of individual jurors based on information contained in the juror questionnaires. Counsel
9 should not venture into new subjects – they should limit their follow-up questions to the
10 items covered in the questionnaire. Following voir dire, the Court will hear and rule on
11 challenges for cause.

12 7. The Court will seat 9 jurors. Each side will have 3 pre-emptory
13 strikes.

14 8. The Court anticipates that opening statements and evidence will
15 begin on the afternoon of **May 13, 2019**.

16 **B. Dispositive and *Daubert* Motions.**

17 Dispositive and *Daubert* motions shall be filed by **February 1, 2019**, responses by
18 **March 1, 2019**, and replies by **March 15, 2019**.

19 **C. Motions in Limine.**

20 Motions in limine, limited to three pages each, shall be filed by **March 29, 2018**.
21 Responses to motions in limine, limited to three pages each, shall be filed by
22 **April 12, 2019**. No replies shall be filed.

23 **D. Deposition Designations.**

24 The parties shall provide deposition designations by **March 29, 2019**.

25 **E. Final Pretrial Order.**

26 The proposed final pretrial order shall be submitted by **April 12, 2019**. The Court
27 will enter a separate order governing the materials that should be submitted with the final
28 pretrial order.

F. Final Pretrial Conference.

The Court will hold a final pretrial conference on **April 30, 2019 at 10:00 a.m.**

G. Trial Days.

Trial will be held on **May 13-17, 20-24, and 28-31**. Plaintiff will be allotted 33 hours of trial time and Defendants will be allotted 30 hours of trial time. This schedule should allow the case to get to the jury by the morning of May 30, 2019.

IV. Motion to Seal Trial Exhibits.

Defendants shall file any motion to seal trial exhibits in the Jones and Hyde cases by **October 26, 2018**.

V. Settlement Talks and Remand.

Counsel shall meet in person and engage in good faith global settlement talks no later than **November 30, 2018**. Within five working days after the talks, the parties shall file a joint report informing the Court that good faith settlement talks have been held and reporting generally on the outcome of such talks.

The Court intends to remand all cases in this MDL shortly after completion of the May 2019 bellwether trial.

VI. SNF Cases.

Defendants shall, by **November 2, 2018**, file a motion with the panel on multidistrict litigation to expand this MDL to include the SNF cases or to create a new MDL including the SNF cases. If the panel concludes that the motion should be granted in some respect, the undersigned judge will be willing to oversee the SNF cases.

Dated this 5th day of October, 2018.

David G. Campbell

David G. Campbell
United States District Judge

**BEFORE THE UNITED STATES JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

**IN RE: BARD IVC FILTERS
PRODUCT LIABILITY LITIGATION**

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MDL DOCKET NO. 2641

SCHEDULE OF SIMON NITINOL ACTIONS PENDING IN MDL NO. 2641

CAPTION	CIVIL ACTION NUMBER	DISTRICT COURT	JUDGE	LIKELY TRANSFEROR VENUE
Henry Altschuh v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03999	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC NY, Northern District
Claus Anderson and Joan Anderson v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:16-cv-02089	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC IA, Northern District
Thomas Arkle v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03583	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC FL, Middle District
Marcia Austin v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03687	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC DC
Tanchanika Austin v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:18-cv-02156	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC PA, Eastern District
Madeline Berrigan v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-04572	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC NY, Southern District

CAPTION	CIVIL ACTION NUMBER	DISTRICT COURT	JUDGE	LIKELY TRANSFEROR VENUE
Robert Boyd v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03652	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC PA, Western District
Deanna Boykin and Eugene Boykin v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:16-cv-04207	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC GA, Southern District
Gladys Boykin v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03589	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC MD
Darlene Brasfield v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:18-cv-01402	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC TN, Western District
James Bratcher v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03585	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC NC, Eastern District
Rebecca Bray v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-02455	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC FL, Middle District
Jarvis Brown, as Personal Representative of the Estate of Corrine Brown v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03111	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC VA, Eastern District
Paul Brown v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:18-cv-02823	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC MA

CAPTION	CIVIL ACTION NUMBER	DISTRICT COURT	JUDGE	LIKELY TRANSFEROR VENUE
Eddie M. Butts v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03703	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC GA, Middle District
Sandra Jean Caudle v. C. R. Bard, Inc., and Bard Peripheral Vascular, Inc.	2:16-cv-03588	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC OH, Northern District
Douglas Ray Coffman v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-00188	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC TX, Northern District
Robert Confer v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-04678	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC PA, Middle District
Danielle Conyers v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03793	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC MD
James Craven v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-00451	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC DC
Mary Crawley v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-04467	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC DC
Hank Crutchfield v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:16-cv-02499	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC MO, Western District

CAPTION	CIVIL ACTION NUMBER	DISTRICT COURT	JUDGE	LIKELY TRANSFEROR VENUE
Florine Daniels v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:16-cv-03672	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC RI
Betsie Deane v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03288	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC PA, Eastern District
Vernon R. Duncan, Gena Duncan, Jeremy Duncan and LeAnn Parm v. C. R. Bard, Inc.	2:18-cv-01661	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC MI, Eastern District
June Elder v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:18-cv-00325	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC GA, Southern District
Danielle L. Fenderson v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03371	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC GA, Northern District
Antoinette Fucci as Personal Representative of the Estate of Pasquale Fucci v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-00877	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC FL, Middle District
Darlene M. Gage v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03277	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC IL, Northern District
Joann Games v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03309	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC IL, Northern District

CAPTION	CIVIL ACTION NUMBER	DISTRICT COURT	JUDGE	LIKELY TRANSFEROR VENUE
Reita Gaston v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-04084	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC GA, Northern District
Donna Geist v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03686	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC PA, Eastern District
Donna L. Goode v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-04484	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC PA, Western District
JaHazel Grayson v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-04012	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC TX, Northern District
Mary Griffin v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03175	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC GA, Southern District
Rebecca Hall v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-04010	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC MD
Brad Herod v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-00441	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC WY
Marlon Holmes v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:18-cv-02326	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC LA, Eastern District

CAPTION	CIVIL ACTION NUMBER	DISTRICT COURT	JUDGE	LIKELY TRANSFEROR VENUE
Billy R. Hughes, Sr. v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03505	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC PA, Middle District
Mary C. Irons v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03369	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC MS, Northern District
Ruby Jackson v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:18-cv-00326	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC FL, Middle District
Donald Johnson v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03404	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC AL, Southern District
Karen Kidwell v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-00324	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC KS
Elizabeth A. Kristoff v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-01959	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC NV
Bernard G. Kustra v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03529	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC PA, Western District
Rosemarie Maggiacomo-Sackler v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-04786	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC RI

CAPTION	CIVIL ACTION NUMBER	DISTRICT COURT	JUDGE	LIKELY TRANSFEROR VENUE
Terry J. Mahoney v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03696	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC GA, Middle District
Ronald Marshall v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-04137	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC NY, Eastern District
Mashell McDaniel-Meeks v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03516	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC MS, Southern District
Lenora McMorris v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03445	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC MS, Southern District
Timothy Miller v. C. R. Bard, Inc., and Bard Peripheral Vascular, Inc.	2:16-cv-01115	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC CA, Northern District
Eugene Neal v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03807	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC NY, Western District
Christina ODell v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:18-cv-01528	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC AL, Southern District
John Olim v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03960	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC CA, Central District

CAPTION	CIVIL ACTION NUMBER	DISTRICT COURT	JUDGE	LIKELY TRANSFEROR VENUE
Charlene Pedersen v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-00941	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC NH
Tracy Pirl v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-00899	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC PA, Western District
Mary Grace Rosenberger and Peter Rosenberger v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03739	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC TN, Middle District
Mike Sackal v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-04239	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC AZ
Danny M. Salmon, Mildred "Kay" Salmon and Rodney D. Salmon as Adult Son v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-02866	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC NE
Debra J Savage-Mykel v. C. R. Bard, Inc.	2:17-cv-00084	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC OH, Southern District
Joseph Schutz v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-01206	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC IL, Northern District
Jeffrey S. Singer v. C. R. Bard, Inc.	2:16-cv-04051	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC MD

CAPTION	CIVIL ACTION NUMBER	DISTRICT COURT	JUDGE	LIKELY TRANSFEROR VENUE
Josephine E. Smith v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03852	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC MI, Eastern District
Ouida Garner, Personal Representative of the Estate of Slater Smith v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:16-cv-03205	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC AL, Southern District
Levi Spruell v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03370	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC IL, Northern District
Andrea Stith v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:16-cv-01849	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC VA, Eastern District
Roy Stith v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03682	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC NY, Eastern District
J.D. Sutton and Wanda Sutton v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-02496	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC IL, Northern District
Harry Tarasi v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:18-cv-00082	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC PA, Western District
Bernard Taylor v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03689	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC GA, Southern District

CAPTION	CIVIL ACTION NUMBER	DISTRICT COURT	JUDGE	LIKELY TRANSFEROR VENUE
Jill Tesell v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-01843	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC MA
Deanna Thomas v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-04141	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC MD
Nicole Thomas v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:18-cv-00402	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC VA, Eastern District
Melissa Turner v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-00285	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC CA, Eastern District
Michelle Valentine, individually and as Successor in Interest of the Estate of Scott Valentine v. C. R. Bard, Inc.	2:17-cv-00579	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC CA, Central District
Barbara Verge v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-02489	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC NY, Northern District
Raheemah Abdul Wadoud v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-01062	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC TX, Northern District
Roy Walker v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:18-cv-02820	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC GA, Southern District

CAPTION	CIVIL ACTION NUMBER	DISTRICT COURT	JUDGE	LIKELY TRANSFEROR VENUE
James Weinsheimer v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:18-cv-00446	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC PA, Middle District
Horace Wetzell and Carole Wetzell v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-00444	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC OH, Northern District
Elvenia Wiggins v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:18-cv-00213	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC OK, Eastern District
Anne Will v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03483	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC NY, Eastern District
Prencilla Williams v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03727	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC AL, Southern District
Stephanie Winnegan v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03544	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC VA, Eastern District
Stephen Yankun v. C. R., Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-03237	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC MA
Piero J. Zito, as Administratrix of the Estate of Pasquale Zito v. C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.	2:17-cv-02638	United States District Court, District of Arizona (Phoenix)	The Honorable David G. Campbell	USDC PA, Middle District

Exhibit D

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03999-DGC**

Altschuh v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: 2:15-md-02641-DGC
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/31/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**Henry Altschuh**

represented by **David W Bauman**
Corrigan & Appelbaum
1926 Chouteau Ave.
St. Louis, MO 63103
314-621-2900
Fax: 314-621-7607
Email: colin@padberglaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
– Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/31/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14815003 filed by Henry Altschuh. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 10/31/2017)
10/31/2017	2	NOTICE TO FILER OF DEFICIENCY re: <u>1</u> Complaint filed by Henry Altschuh. Pursuant to the Electronic Case Filing Administrative Policies and Procedures Manual Section II(B), attorneys are required to submit the automated Civil Cover Sheet when filing a new case. No further action is required. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/31/2017)
10/31/2017	3	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3999-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/31/2017)

11/02/2017	<u>4</u>	*NOTICE of Appearance by David W Bauman on behalf of Henry Altschuh. (Bauman, David) *Document filed in the wrong case. Attorney notice to re-file document in correct case on 11/2/2017 (LSP). (Entered: 11/02/2017)
11/02/2017	5	NOTICE TO FILER OF DEFICIENCY re: <u>4</u> Notice of Appearance/Association of Counsel filed by Henry Altschuh. Document entered in wrong case. FOLLOW-UP ACTION REQUIRED: Please refile document in correct case: 2:15-md-2641-DGC. Deficiency must be corrected within one business day of this notice. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 11/02/2017)

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL CLAIMS
AND DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of injury:

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

- 1 7. District Court and Division in which venue would be proper absent direct
2 filing:
3 _____
- 4 8. Defendants (check Defendants against whom Complaint is made):
5 ☒ C.R. Bard Inc.
6 ☒ Bard Peripheral Vascular, Inc.
7 9. Basis of Jurisdiction:
8 ☒ Diversity of Citizenship
9 ☐ Other: _____
10 a. Other allegations of jurisdiction and venue not expressed in Master
11 Complaint:
12 _____
13 _____
14 _____
- 15 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
16 a claim (Check applicable Inferior Vena Cava Filter(s)):
17 ☐ Recovery® Vena Cava Filter
18 ☐ G2® Vena Cava Filter
19 ☐ G2® Express Vena Cava Filter
20 ☐ G2® X Vena Cava Filter
21 ☐ Eclipse® Vena Cava Filter
22 ☐ Meridian® Vena Cava Filter
23 ☐ Denali® Vena Cava Filter
24 ☐ Other: _____
- 25 11. Date of Implantation as to each product:
26 _____
- 27 12. Counts in the Master Complaint brought by Plaintiff(s):
28 ☒ Count I: Strict Products Liability – Manufacturing Defect

- 1 ☒ Count II: Strict Products Liability – Information Defect (Failure
- 2 to Warn)
- 3 ☒ Count III: Strict Products Liability – Design Defect
- 4 ☒ Count IV: Negligence – Design
- 5 ☒ Count V: Negligence – Manufacture
- 6 ☒ Count VI: Negligence – Failure to Recall/Retrofit
- 7 ☒ Count VII: Negligence – Failure to Warn
- 8 ☒ Count VIII: Negligent Misrepresentation
- 9 ☒ Count IX: Negligence *Per Se*
- 10 ☒ Count X: Breach of Express Warranty
- 11 ☒ Count XI: Breach of Implied Warranty
- 12 ☒ Count XII: Fraudulent Misrepresentation
- 13 ☒ Count XIII: Fraudulent Concealment
- 14 ☒ Count XIV: Violations of Applicable _____ Law Prohibiting
- 15 Consumer Fraud and Unfair and Deceptive Trade Practices
- 16 ☐ Count XV: Loss of Consortium
- 17 ☐ Count XVI: Wrongful Death
- 18 ☐ Count XVII: Survival
- 19 ☒ Punitive Damages
- 20 ☒ Other(s): _____: (please state the facts
- 21 supporting this Count in the space immediately below)
- 22 _____
- 23 _____
- 24 _____

25 13. Jury Trial demanded for all issues so triable?

- 26 ☒ Yes
- 27 ☐ No
- 28

1 RESPECTFULLY SUBMITTED this ____ day of October, 2017.

2 **PADBERG, CORRIGAN & APPELBAUM**

3 By: /s/ David W. Bauman

4 David Bauman, MO Bar No 52481; IL Bar No 6274534

5 48 Mt Vernon Street

6 Suite 206

7 Winchester, MA 01890

8 Telephone: (781) 721-4400

9 Facsimile: (781) 721-4402

10 dave@padberglaw.com

11 *Attorneys for Plaintiff(s)*

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on this 6th day of October, 2017, I electronically transmitted
14 the attached document to the Clerk's Office using the CM/ECF System for filing and
15 transmittal of a Notice of Electronic Filing.

16 /s/ David W. Bauman

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:16-cv-02089-DGC**

Anderson et al v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: 2:15-md-02641-DGC
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 06/28/2016
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod.
Liability
Jurisdiction: Diversity

Plaintiff**Claus Anderson**

represented by **Michael T Gallagher**
Gallagher Law Firm LLP
2905 Sackett St.
Houston, TX 77098
713-222-8080
Fax: 713-222-0066
Email: donnaf@gld-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff**Joan Anderson**

represented by **Michael T Gallagher**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
- Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/28/2016	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-13117251 filed by Claus Anderson, Joan Anderson. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 06/28/2016)
06/28/2016	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-16-2089-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 06/28/2016)

Michael T. Gallagher
Federal ID: 5395
The Gallagher Law Firm
2905 Sackett Street
Houston, Texas 77098
(713) 222-8080
(713) 222-0066 - Facsimile
donna@gl-d-law.com

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. MDL-15-02641-PHX-DGC

This Document Relates To:

**MASTER SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL CLAIMS**

Claus Anderson

Civil Case # _____

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Claus Anderson

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Joan Anderson

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

1 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the
2 time of implant:

3 Iowa

4 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the
5 time of injury:

6 Iowa

7 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

8 Iowa

9 7. District Court and Division in which venue would be proper absent direct filing:

10 United States District Court for the Northern District of Iowa

11 8. Defendants (check Defendants against whom Complaint is made):

12 ☒ C.R. Bard Inc.

13 ☒ Bard Peripheral Vascular, Inc.

14 9. Basis of Jurisdiction:

15 ☒ Diversity of Citizenship

16 ☐ Other: _____

17 a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

18 _____

19 _____

20 _____

21 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim
22 (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

- ☐ G2[®] Vena Cava Filter
- ☐ G2[®] Express (G2[®]X) Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter

Other: Simon Nitinol Filter

11. Date of Implantation as to each product:

July 11, 2003

12. Counts in the Master Complaint brought by Plaintiff(s):

- ✓ Count I: Strict Products Liability – Manufacturing Defect
- ✓ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ✓ Count III: Strict Products Liability – Design Defect
- ✓ Count IV: Negligence - Design
- ✓ Count V: Negligence - Manufacture
- ✓ Count VI: Negligence – Failure to Recall/Retrofit
- ✓ Count VII: Negligence – Failure to Warn
- ✓ Count VIII: Negligent Misrepresentation
- ✓ Count IX: Negligence *Per Se*
- ✓ Count X: Breach of Express Warranty
- ✓ Count XI: Breach of Implied Warranty
- ✓ Count XII: Fraudulent Misrepresentation
- ✓ Count XIII: Fraudulent Concealment

- 1 √ Count XIV: Violations of Applicable Iowa Law Prohibiting Consumer
2 Fraud and Unfair and Deceptive Trade Practices
- 3 √ Count XV: Loss of Consortium
- 4 □ Count XVI: Wrongful Death
- 5 □ Count XVII: Survival
- 6 □ Punitive Damages
- 7 □ Other(s): _____ (please state the facts supporting this
8 Count in the space immediately below)

9 _____

10 _____

11 _____

12 _____

13 Dated: June 28, 2016

13 Respectfully submitted,

14 /s/ Michael T. Gallagher
15 Michael T. Gallagher
16 Federal ID: 5395
17 The Gallagher Law Firm
18 2905 Sackett Street
19 Houston, Texas 77098
20 (713) 222-8080
21 (713) 222-0066 - Facsimile
22 donna@gl-d-law.com

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03583-DGC**

Arkle v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/06/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**Thomas Arkle**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
– Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/06/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14735007 filed by C R Bard Incorporated. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 10/10/2017)
10/06/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3583-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/10/2017)

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Thomas Arkle

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Florida

21

22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Florida

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Florida

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Middle District of Florida

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Bard Simon Nitinol

11. Date of Implantation as to each product:

May 3, 2011

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Michigan (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 6th day of October, 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

6
7
8
9
10
11
12 I hereby certify that on this 6th day of October, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

16
17 5131774
18
19
20
21
22

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03687-DGC**

Austin v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/11/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Marcia Austin**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/11/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14746315 filed by Marcia Austin. (Attachments: # 1 Civil Cover Sheet)(MAP) (Entered: 10/11/2017)
10/11/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3687-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/11/2017)

PACER Service Center			
Transaction Receipt			
10/31/2018 05:22:16			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-rbn
Description:	Docket Report	Search Criteria:	2:17-cv-03687-DGC
Billable Pages:	1	Cost:	0.10

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Marcia Austin

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Washington DC

21

22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Washington DC

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Washington DC

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the District of Columbia

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

May 14, 2008

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Michigan (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 11th day of October, 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

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11
12 I hereby certify that on this 11th day of October, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

16 5131774
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CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:18-cv-02156-DGC**

Austin v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 07/10/2018
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Tanchanika Austin**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/10/2018	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-15707274 filed by Tanchanika Austin. (Attachments: # <u>1</u> Civil Cover Sheet)(SLQ) (Entered: 07/10/2018)
07/10/2018	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-18-02156-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SLQ) (Entered: 07/10/2018)

PACER Service Center			
Transaction Receipt			
10/31/2018 05:27:15			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-rbn
Description:	Docket Report	Search Criteria:	2:18-cv-02156-DGC
Billable Pages:	1	Cost:	0.10

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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

**AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Tanchanika Austin

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Pennsylvania
21
22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Pennsylvania

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Pennsylvania

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Eastern District of Pennsylvania

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Bard Simon-Nitinol

11. Date of Implantation as to each product:

2005; implant operative records are purged.

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Pennsylvania
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 10th day of July, 2018.

MARC J. BERN & PARTNERS LLP

By: /s/ Debra Humphrey

Debra Humphrey
One Grand Central Place
60 East 42nd Street, Suite 950
New York, New York 10165
(212) 702-5000

Attorneys for Plaintiff(s)

I hereby certify that on this 10th day of July, 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/Debra J. Humphrey

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-04572-DGC**

Berrigan v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 12/11/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Madeline Berrigan**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/11/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14949185 filed by Madeline Berrigan. (Attachments: # 1 Civil Cover Sheet)(LSP) (Entered: 12/11/2017)
12/11/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-04572-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 12/11/2017)

PACER Service Center			
Transaction Receipt			
10/31/2018 05:31:34			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-rbn
Description:	Docket Report	Search Criteria:	2:17-cv-04572-DGC
Billable Pages:	1	Cost:	0.10

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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Madeline Berrigan

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: New York

21

22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

New York

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New York

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Southern District of New York

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express(G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

September 13, 2011

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable New York (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 11th day of December 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

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12 I hereby certify that on this 11th day of December 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03652-DGC**

Boyd v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/10/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Robert Boyd**

represented by **Calle M Mendenhall**
Farris Riley & Pitt LLP
505 20th St. N, Ste. 1700
Birmingham, AL 35203
205-324-1212
Fax: 205-324-1255
Email: cmendenhall@frplegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David P Matthews
Matthews & Associates
2905 Sackett St.
Houston, TX 77098
713-522-5250
Fax: 713-535-7184
Email: dmatthews@dmmlawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard Arthur Freese
Freese & Goss PLLC
1901 6th Ave. Ste. 3120
Birmingham, AL 35203
205-871-4144
Fax: 205-871-4104
Email: rich@freeseandgoss.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by

Richard B North , Jr

Nelson Mullins Riley & Scarborough
 LLC - Atlanta, GA
 Atlantic Station
 201 17th St. NW, Ste. 1700
 Atlanta, GA 30363
 404-322-6000
 Fax: 404-322-6050
 Email:
 richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
 Incorporated**

represented by **Richard B North , Jr**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/10/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14740968 filed by Robert Boyd. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 10/11/2017)
10/10/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3652-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/11/2017)

PACER Service Center			
Transaction Receipt			
10/31/2018 05:44:30			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-rbn
Description:	Docket Report	Search Criteria:	2:17-cv-03652-DGC
Billable Pages:	2	Cost:	0.20

David P. Matthews
TX SBN: 13206200
MATTHEWS & ASSOCIATES
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Richard Freese
AL Bar No. 6879-E67R
Calle M. Mendenhall
AL Bar No. 7985-W37E
FREESE & GOSS, PLLC
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Birmingham, AL 35203
Tel. (205) 871-4144
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rich@freeseandgoss.com
calle@freeseandgoss.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows :

1. Plaintiff/Deceased Party:

Robert Boyd

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

PA

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

PA

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

PA

7. District Court and Division in which venue would be proper absent direct filing:

USDC, Western District of Pennsylvania

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

9/03/2007

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable PA (insert state) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts sup porting
this Count in the space immediately below)
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 10th day of October, 2017.

MATTHEWS & ASSOCIATES

By: /s/ David P. Matthews

David P. Matthews

2905 Sackett St.

Houston, TX 77098

FREESE & GOSS, PLLC

Richard Freese

Calle M. Mendenhall

FREESE & GOSS, PLLC

1901 6th Ave N. Ste. 3120

Birmingham, AL 35203

Attorneys for Plaintiff

I hereby certify that on this 10th day of October, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ David P. Matthews

David P. Matthews

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:16-cv-04207-DGC**

Boykin et al v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 12/05/2016
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Deanna Boykin**

represented by **Jeff Seldomridge**
Miller Law Firm LLC
108 Railroad Ave.
Orange, VA 22960
540-672-4224
Email: jseldomridge@millermllc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff**Eugene Boykin**

represented by **Jeff Seldomridge**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

represented by

**Bard Peripheral Vascular
Incorporated**

Richard B North , Jr
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/05/2016	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-13673389 filed by Eugene Boykin, Deanna Boykin. (Attachments: # <u>1</u> Civil Cover Sheet) (LSP) (Entered: 12/05/2016)
12/05/2016	<u>2</u>	SUMMONS Submitted by Deanna Boykin, Eugene Boykin. (Attachments: # <u>1</u> Summons)(LSP) (Entered: 12/05/2016)
12/05/2016	3	This case has been assigned to the Honorable David G Campbell, with member case number: CV-16-4207-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 12/05/2016)
12/05/2016	<u>4</u>	Summons Issued as to Bard Peripheral Vascular Incorporated, C R Bard Incorporated. (Attachments: # <u>1</u> Summons)(LSP). *** IMPORTANT: When printing the summons, select "Document and stamps" or "Document and comments" for the seal to appear on the document. (Entered: 12/05/2016)

PACER Service Center			
Transaction Receipt			
10/31/2018 05:46:56			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-rbn
Description:	Docket Report	Search Criteria:	2:16-cv-04207-DGC
Billable Pages:	2	Cost:	0.20

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

Plaintiff(s) named below, and for Complaint against the Defendants named below,
incorporate The Master Complaint in MDL No. 2641 by reference (Document 364).

Plaintiff(s) further show the court as follows:

1. Plaintiff/Deceased Party:

Deanna Boykin

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium
claim:

Eugene Boykin

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time
of implant:

Georgia

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time
of injury:

Georgia

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Georgia

7. District Court and Division in which venue would be proper absent direct filing:

Southern District of Georgia – Augusta Division

8. Defendants (Check Defendants against whom Complaint is made):

✓ C.R. Bard Inc.

✓ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

✓ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim
(Check applicable Inferior Vena Cava Filters):

☐ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

☐ G2 Express® (G2® X) Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☐ Meridian® Vena Cava Filter

☐ Denali® Vena Cava Filter

✓ Other: Simon Nitinol

11. Date of Implantation as to each product:

11/20/09

12. Counts in the Master Complaint brought by Plaintiff(s):

- ✓ Count I: Strict Products Liability – Manufacturing Defect
- ✓ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ✓ Count III: Strict Products Liability – Design Defect
- ✓ Count IV: Negligence – Design Defect
- ✓ Count V: Negligence – Manufacture
- ✓ Count VI: Negligence – Failure to Recall/Retrofit
- ✓ Count VII: Negligence – Failure to Warn
- ✓ Count VIII: Negligent Misrepresentation
- ✓ Count IX: Negligence *Per Se*
- ✓ Count X: Breach of Express Warranty
- ✓ Count XI: Breach of Implied Warranty
- ✓ Count XII: Fraudulent Misrepresentation
- ✓ Count XIII: Fraudulent Concealment
- ✓ Count XIV: Violations of Applicable Georgia (insert State) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ✓ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ✓ Punitive Damages

1 ☐ Other(s): _____ (please state the facts supporting this Count in the
2 space, immediately below)
3

4 _____
5 _____
6 _____
7 _____
8 _____
9 _____

10 13. Jury Trial demanded for all issues so triable?

11 ☒ Yes

12 ☐ No
13

14 Respectfully submitted this 5th day of December, 2016

15
16 /s/ Jeff Seldomridge
17 JEFF SELDOMRIDGE
18 **THE MILLER FIRM LLC**
19 108 Railroad Avenue
20 Orange, VA 22960
21 Tel: (540) 672-4224
22 Fax: (540) 672-3055
23 jseldomridge@millerfirmllc.com
24 Attorneys for Plaintiffs

25 I hereby certify that on December 5, 2016, I electronically transmitted the attached
26 document to the Clerk's office using the CM/ECF System for filing and transmittal of a
27 Notice of Electronic Filing.
28

29 /s/ Jeff Seldomridge
30 Jeff Seldomridge
31 Virginia Bar No. 89552

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03589-DGC**

Boykin v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/06/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Gladys Boykin**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/06/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14735874 filed by Gladys Boykin. (Attachments: # 1 Civil Cover Sheet)(MAP) (Entered: 10/10/2017)
10/06/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3589-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/10/2017)

PACER Service Center			
Transaction Receipt			
10/31/2018 05:51:57			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-rbn
Description:	Docket Report	Search Criteria:	2:17-cv-03589-DGC
Billable Pages:	1	Cost:	0.10

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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Gladys Boykin

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Maryland

21

22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Maryland

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Maryland

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the District of Maryland

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Bard Simon Nitinol

11. Date of Implantation as to each product:

July 23, 2003

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Michigan (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 6th day of October 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

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11
12 I hereby certify that on this 6th day of October, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

16 5131774
17
18
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22

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:18-cv-01402-DGC**

Brasfield v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 05/07/2018
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Darlene Brasfield**

represented by **Amy Collignon Gunn**
Simon Law Firm
800 Market St., Ste. 1700
St. Louis, MO 63101
314-241-2929
Fax: 314-241-2029
Email: agunn@simonlawpc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John G Simon
Simon Law Firm
800 Market St., Ste. 1700
St. Louis, MO 63101
314-241-2929
Fax: 314-241-2029
Email: jsimon@simonlawpc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/07/2018	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-15468526 filed by Darlene Brasfield. (Attachments: # <u>1</u> Civil Cover Sheet)(SLQ) (Entered: 05/07/2018)
05/07/2018	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-18-01402-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SLQ) (Entered: 05/07/2018)
05/07/2018	3	NOTICE TO FILER OF DEFICIENCY re: <u>1</u> Complaint filed by Darlene Brasfield. Pursuant to the Electronic Case Filing Administrative Policies and Procedures Manual Section II(B), attorneys are required to submit the automated Civil Cover Sheet when filing a new case. No further action is required. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SLQ) (Entered: 05/07/2018)

PACER Service Center			
Transaction Receipt			
10/31/2018 05:54:02			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-rbn
Description:	Docket Report	Search Criteria:	2:18-cv-01402-DGC
Billable Pages:	2	Cost:	0.20

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Darlene Brasfield

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

N/A

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

N/A

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Tennessee

7. District Court and Division in which venue would be proper absent direct filing:

Western District of Tennessee

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master
Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim

(Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

- ☐ Denali® Vena Cava Filter
- ☒ Other: **Simon Nitinol Vena Cava Filter**

11. Date of Implantation as to each product:

October 27, 2005

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence – Design
- ☒ Count V: Negligence – Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable **Tennessee** (insert state) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 7th day of May, 2018.

THE SIMON LAW FIRM, P.C.

By: /s/ Amy Collignon Gunn

John G. Simon
Amy Collignon Gunn
800 Market Street, Ste. 1700
St. Louis, MO 63101
Phone: 314-241-2929
Fax: 314-241-2029
jsimon@simonlawpc.com
agunn@simonlawpc.com

Attorneys for Plaintiffs

I hereby certify that on this 7th day of May, 2018, I electronically transmitted the
attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a
Notice of Electronic Filing.

/s/ Amy Collignon Gunn

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03585-DGC**

Bratcher v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/06/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**James Bratcher**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/06/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14735303 filed by James Bratcher. (Attachments: # 1 Civil Cover Sheet)(MAP) (Entered: 10/10/2017)
10/06/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3585-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/10/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:05:58			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-rbn
Description:	Docket Report	Search Criteria:	2:17-cv-03585-DGC
Billable Pages:	1	Cost:	0.10

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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 James Bratcher

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: North Carolina

21

22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

North Carolina

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

North Carolina

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Eastern District of North Carolina

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Bard Simon Nitinol

11. Date of Implantation as to each product:

March 23, 2003

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Michigan (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 6th day of October, 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

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11
12 I hereby certify that on this 6th day of October, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

16 5131774
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CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-02455-DGC**

Bray v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 07/24/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Rebecca Bray**

represented by **Jeff Seldomridge**
Miller Law Firm LLC
108 Railroad Ave.
Orange, VA 22960
540-672-4224
Email: jseldomridge@millermllc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text

07/24/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14465969 filed by Rebecca Bray. (Attachments: # 1 Civil Cover Sheet)(MAP) (Entered: 07/24/2017)
07/24/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-2455-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 07/24/2017)
07/24/2017	3	SUMMONS Submitted by Rebecca Bray. (submitted by Jeff Seldomridge) (Attachments: # 1 Summons)(REK) (Entered: 07/24/2017)
07/24/2017	4	Summons Issued as to Bard Peripheral Vascular Incorporated, C R Bard Incorporated. (Attachments: # 1 Summons) (MAP) *** IMPORTANT: When printing the summons, select "Document and stamps" or "Document and comments" for the seal to appear on the document. (Entered: 07/24/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:20:19			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-rbn
Description:	Docket Report	Search Criteria:	2:17-cv-02455-DGC
Billable Pages:	1	Cost:	0.10

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

Plaintiff(s) named below, and for Complaint against the Defendants named below,
incorporate The Master Complaint in MDL No. 2641 by reference (Document 364).

Plaintiff(s) further show the court as follows:

1. Plaintiff/Deceased Party:

Rebecca Bray

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium
claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time
of implant:

Florida

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time
of injury:

Florida

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Florida

7. District Court and Division in which venue would be proper absent direct filing:

Middle District of Florida, Tampa Division

8. Defendants (Check Defendants against whom Complaint is made):

✓ C.R. Bard Inc.

✓ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

✓ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim
(Check applicable Inferior Vena Cava Filters):

☐ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

☐ G2 Express® (G2® X) Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☐ Meridian® Vena Cava Filter

☐ Denali® Vena Cava Filter

✓ Other: Simon Nitinol

11. Date of Implantation as to each product:

8/24/05

12. Counts in the Master Complaint brought by Plaintiff(s):

- ✓ Count I: Strict Products Liability – Manufacturing Defect
- ✓ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ✓ Count III: Strict Products Liability – Design Defect
- ✓ Count IV: Negligence – Design Defect
- ✓ Count V: Negligence – Manufacture
- ✓ Count VI: Negligence – Failure to Recall/Retrofit
- ✓ Count VII: Negligence – Failure to Warn
- ✓ Count VIII: Negligent Misrepresentation
- ✓ Count IX: Negligence *Per Se*
- ✓ Count X: Breach of Express Warranty
- ✓ Count XI: Breach of Implied Warranty
- ✓ Count XII: Fraudulent Misrepresentation
- ✓ Count XIII: Fraudulent Concealment
- ✓ Count XIV: Violations of Applicable Florida (insert State) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ✓ Punitive Damages

space, immediately below)

13. Jury Trial demanded for all issues so triable?

✓ Yes

☐ No

Respectfully submitted this 24th day of July, 2017

/s/ Jeff Seldomridge

JEFF SELDOMRIDGE
THE MILLER FIRM LLC
108 Railroad Avenue
Orange, VA 22960
Tel: (540) 672-4224
Fax: (540) 672-3055
jseldomridge@millerfirmllc.com
Attorneys for Plaintiffs

I hereby certify that on July 24, 2017, I electronically transmitted the attached document to the Clerk's office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Jeff Seldomridge
Jeff Seldomridge
Virginia Bar No. 89552

MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03111-DGC**

Brown v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 09/12/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Corrine Brown**

represented by **Karen Hope Beyea-Schroeder**
Schroeder Law Office PLLC
P.O. Box 131747
The Woodlands, TX 77393
832-585-9829
Fax: 832-900-2120
Email: karen.schroeder@schroeder-lawoffice.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Riley L Burnett , Jr.
Burnett Law Firm
3737 Buffalo Speedway, 18th Fl.
Houston, TX 77098
832-413-4410
Fax: 832-900-2120
Email: RBurnett@RBurnettLaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
09/12/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14137739 filed by Corrine Brown. (Attachments: # 1 Civil Cover Sheet)(MAP) (Entered: 09/12/2017)
09/12/2017	2	NOTICE TO FILER OF DEFICIENCY re: 1 Complaint filed by Corrine Brown. Pursuant to the Electronic Case Filing Administrative Policies and Procedures Manual Section II(B), attorneys are required to submit the automated Civil Cover Sheet when filing a new case. No further action is required. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 09/12/2017)
09/12/2017	3	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3111-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 09/12/2017)
09/20/2017	4	*NOTICE of Appearance by Riley L Burnett, Jr on behalf of Corrine Brown. (Burnett, Riley) *Document filed in the wrong case. Attorney noticed to re-file document in correct case on 9/20/2017 (LSP). (Entered: 09/20/2017)
09/20/2017	5	*NOTICE of Appearance by Karen Hope Beyea-Schroeder on behalf of Corrine Brown. (Beyea-Schroeder, Karen) *Document filed in the wrong case. Attorney noticed to re-file document in correct case on 9/20/2017 (LSP). (Entered: 09/20/2017)
09/20/2017	6	NOTICE TO FILER OF DEFICIENCY re: 5 Notice of Appearance/Association of Counsel filed by Corrine Brown, 4 Notice of Appearance/Association of Counsel filed by Corrine Brown. Document entered in wrong case. <i>FOLLOW-UP ACTION REQUIRED:</i> Please refile document in correct case: 2:15-md-2641-DGC. Deficiency must be corrected within one business day of this notice. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 09/20/2017)

PACER Service Center

Transaction Receipt

10/30/2018 12:22:28

PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-rbn
Description:	Docket Report	Search Criteria:	2:17-cv-03111- DGC
Billable Pages:	2	Cost:	0.20

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL CLAIMS
AND DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Corrine Brown

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

Jarvis Brown, Individually and as Representative for the Estate

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:

Virginia

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of injury:

Virginia

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

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Virginia

7. District Court and Division in which venue would be proper absent direct filing:
U.S. District Court for the Eastern District of Virginia, Norfolk Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

☐ G2® Express Vena Cava Filter

☐ G2® X Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☐ Meridian® Vena Cava Filter

☐ Denali® Vena Cava Filter

☒ Other: Simon Nitinol Filter

11. Date of Implantation as to each product:
September 26, 2008

12. Counts in the Master Complaint brought by Plaintiff(s):
 - ☒ Count I: Strict Products Liability – Manufacturing Defect
 - ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
 - ☒ Count III: Strict Products Liability – Design Defect
 - ☒ Count IV: Negligence – Design
 - ☒ Count V: Negligence – Manufacture
 - ☒ Count VI: Negligence – Failure to Recall/Retrofit
 - ☒ Count VII: Negligence – Failure to Warn
 - ☒ Count VIII: Negligent Misrepresentation
 - ☒ Count IX: Negligence *Per Se*
 - ☒ Count X: Breach of Express Warranty
 - ☒ Count XI: Breach of Implied Warranty
 - ☒ Count XII: Fraudulent Misrepresentation
 - ☒ Count XIII: Fraudulent Concealment
 - ☒ Count XIV: Violations of Applicable Virginia Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
 - ☒ Count XV: Loss of Consortium
 - ☒ Count XVI: Wrongful Death
 - ☒ Count XVII: Survival
 - ☒ Punitive Damages
 - ☒ Other(s): Tolling of Statute of Limitations: (please state the facts supporting this Count in the space immediately below)

Plaintiff and the physicians reasonably relied upon the skill and judgment of Defendants. As soon as the true nature of the IVC FILTER and the fact that the warranty and representations were false were ascertained, Plaintiff was notified of the breach. Due to Defendants’ deception, and failure to notify

1 individuals of the defects, Plaintiff could not have known of the falsehood
2 and therefore could not have taken action before this time.

3 13. Jury Trial demanded for all issues so triable?

4 ☒ Yes

5 ☐ No

6 RESPECTFULLY SUBMITTED this 12th day of September, 2017.

7 **BURNETT LAW FIRM**

8 By: /s/ Karen H. Beyea-Schroeder

9 Karen H. Beyea-Schroeder

10 3737 Buffalo Speedway, 18th Floor

11 Houston, Texas 77098

12 Office Tel: (832) 413-4410

13 Cell Tel: (832) 585-9829

14 Fax: (832) 900-2120

15 Email:

16 Karen.Schroeder@RBurnettLaw.com

17 *Attorneys for Plaintiff(s)*

18 *To Be Admitted Pro Hac Vice:*

19 Riley L. Burnett, Jr.

20 BURNETT LAW FIRM

21 3737 Buffalo Speedway, 18th Floor

22 Houston, Texas 77098

23 Tel: (832) 413-4410

24 Fax: (832) 900-2120

25 Email: RBurnett@RBurnettLaw.com

26 *Attorneys for Plaintiff(s)*

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of September, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

By: /s/Karen H. Beyea-Schroeder
Karen H. Beyea-Schroeder
BURNETT LAW FIRM
3737 Buffalo Speedway, 18th Floor
Houston, Texas 77098
Tel: (832) 413-4410
Fax: (832) 900-2120
Email:
Karen.Schroeder@RBurnettLaw.com
Attorneys for Plaintiff(s)

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:18-cv-02823-DGC**

Brown v. C R Bard Incorporated et al
Assigned to: Senior Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 09/10/2018
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Paul Brown**

represented by **Nicholas Farnolo**
Napoli Shkolnik PLLC
400 Broadhollow Rd., Ste. 305
Melville, NY 11747
212-397-1000
Email: Nfarnolo@napolilaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated****Defendant****Bard Peripheral Vascular
Incorporated**

Date Filed	#	Docket Text
09/10/2018	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-15936839 filed by Paul Brown. (Attachments: # 1 Civil Cover Sheet)(MAP) (Entered: 09/10/2018)
09/10/2018	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-18-2823-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 09/10/2018)

PACER Service Center

Transaction Receipt			
10/30/2018 12:25:00			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-rbn
Description:	Docket Report	Search Criteria:	2:18-cv-02823-DGC
Billable Pages:	1	Cost:	0.10

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY
LITIGATION

No. MD-15-02641-PHX-DGC

**SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named
below, incorporate the Master Complaint for Damages in MDL 2641 by
reference (Doc. Plaintiff(s) further show the Court as follows:

1. Plaintiff/ Deceased Party:

Paul Brown

2. Spousal Plaintiff/ Deceased Party's spouse or other party making loss of
consortium claim :

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator) :

4. Plaintiff's/ Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Massachusetts

5. Plaintiff's Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Massachusetts

7. District Court and Division in which venue would be proper absent direct filing:

District of Massachusetts

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

- a. Other allegations of jurisdiction and venue not express in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim

(Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery® Vena Cava Filter
- ☐ G2® Vena Cava Filter
- ☐ G2® Express (G2®X) Vena Cava Filter
- ☐ Eclipse® Vena Cava Filter
- ☐ Meridian® Vena Cava Filter
- ☐ Denali® Vena Cava Filter
- ☒ Other: Simon Nitinol

11. Date of implantation as to each product :

May 5, 2010

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability- Manufacturing Defect
- ☒ Count II: Strict Products Liability- Information Defect (Failure)
- ☒ Count III: Strict Products Liability- Design Defect
- ☒ Count IV: Negligence- Design
- ☒ Count V: Negligence- Manufacture
- ☒ Count VI: Negligence- Failure to Recall/ Retrofit
- ☒ Count VII: Negligence- Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence Per Se
- ☒ Count X: Breach of Express Warranty
- ☒ County XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIV: Violation of Applicable Massachusetts Law Prohibiting Consumer Fraud and Unfair Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): (please state the facts supporting this Count in the space immediately below:

RESPECTFULLY SUBMITTED this September 10, 2018

Napoli Shkolnik, PLLC

By: /s/ Nicholas R. Famolo
Nicholas R. Famolo, Esq.
(Admitted *pro hac vice*)
400 Broadhollow Road
Melville, NY 11747

CERTIFICATE OF SERVICE

I hereby certify that on this September 10, 2018 I electronically
transmitted the attached document to the Clerk's Office using the CM/ECF System for
filing and transmittal of a Notice of Electronic Filing.

/s/ Nicholas R. Farnolo
Nicholas R. Farnolo, Esq.
(Admitted *pro hac vice*)
400 Broadhollow Road
Melville, NY 11747

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03703-DGC**

Butts v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/11/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Eddie M Butts**

represented by **Calle M Mendenhall**
Farris Riley & Pitt LLP
505 20th St. N, Ste. 1700
Birmingham, AL 35203
205-324-1212
Fax: 205-324-1255
Email: cmendenhall@frplegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David P Matthews
Matthews & Associates
2905 Sackett St.
Houston, TX 77098
713-522-5250
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Email: dmatthews@dmllawfirm.com
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1901 6th Ave. Ste. 3120
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Email: rich@freeseandgoss.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by

Richard B North , Jr

Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA

Atlantic Station

201 17th St. NW, Ste. 1700

Atlanta, GA 30363

404-322-6000

Fax: 404-322-6050

Email:

richard.north@nelsonmullins.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/11/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14747967 filed by Eddie M Butts. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 10/12/2017)
10/11/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3703-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/12/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:27:07			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-rbn
Description:	Docket Report	Search Criteria:	2:17-cv-03703-DGC
Billable Pages:	2	Cost:	0.20

David P. Matthews
TX SBN: 13206200
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Richard Freese
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calle@freeseandgoss.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows :

1. Plaintiff/Deceased Party:

Eddie M. Butts

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

GA

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

GA

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

GA

7. District Court and Division in which venue would be proper absent direct filing:

USDC, Middle District of Georgia – Macon Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter (s)):

- ☐ Recovery[®] Vena Cava Filter
- ☐ G2[®] Vena Cava Filter
- ☐ G2[®] Express Vena Cava Filter
- ☐ G2[®] X Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter
- ☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

03/25/2011

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable GA (insert state) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts sup porting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 11th day of October, 2017.

MATTHEWS & ASSOCIATES

By: /s/ David P. Matthews
David P. Matthews
2905 Sackett St.
Houston, TX 77098

FREESE & GOSS, PLLC

Richard Freese
Calle M. Mendenhall
FREESE & GOSS, PLLC
1901 6th Ave N. Ste. 3120
Birmingham, AL 35203

Attorneys for Plaintiff

I hereby certify that on this 11th day of October, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ David P. Matthews
David P. Matthews

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:16-cv-03588-DGC**

Caudle v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/18/2016
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Sandra Jean Caudle**

represented by **Baird Brown**
Law Offices of Baird Brown
3055 Wilshire Blvd., Ste. 1200
Los Angeles, CA 90010
213-487-8880
Fax: 213-487-8884
Email: bairdbrownlaw@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

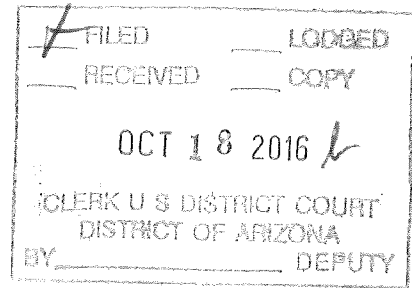
Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

--	--	--

Date Filed	#	Docket Text
10/18/2016	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number PHX177619 filed by Sandra Jean Caudle. (Attachments: # 1 Civil Cover Sheet)(LSP) (Entered: 10/18/2016)
10/18/2016	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-16-3588-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 10/18/2016)
10/18/2016	3	MOTION for Admission Pro Hac Vice as to attorney Baird Brown on behalf of Sandra Jean Caudle. (LSP) (Entered: 10/18/2016)
10/18/2016		PRO HAC VICE FEE PAID. \$ 35, receipt number PHX`177619 as to Baird Brown. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 10/18/2016)
10/18/2016	4	ORDER pursuant to General Order 09-08 granting 3 Motion for Admission Pro Hac Vice. Per the Court's Administrative Policies and Procedures Manual, applicant has five (5) days in which to register as a user of the Electronic Filing System. Registration to be accomplished via the court's website at www.azd.uscourts.gov. Counsel is advised that they are limited to two (2) additional e-mail addresses in their District of Arizona User Account. (BAS) (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 10/18/2016)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:29:09			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-rbn
Description:	Docket Report	Search Criteria:	2:16-cv-03588-DGC
Billable Pages:	2	Cost:	0.20



CV-16-03588-PHX-DGC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).
Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:
Sandra Jean Caudle
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):
4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:
Ohio

1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
2 at the time of injury:

3 Ohio

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5 Ohio

6 7. District Court and Division in which venue would be proper absent direct
7 filing:

8 Northern District of Ohio

9 8. Defendants (check Defendants against whom Complaint is made):

10 ☒ C. R. Bard Inc.

11 ☒ Bard Peripheral Vascular, Inc.

12 9. Basis of Jurisdiction:

13 ☒ Diversity of Citizenship

14 ☐ Other: _____

15 a. Other allegations of jurisdiction and venue not expressed in Master
16 Complaint:

17
18
19
20 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
21 a claim (Check applicable Inferior Vena Cava Filter(s)):

22 ☐ Recovery[®] Vena Cava Filter

23 ☐ G2[®] Vena Cava Filter

24 ☐ G2[®] Express Vena Cava Filter

25 ☐ G2[®] X Vena Cava Filter

26 ☐ Eclipse[®] Vena Cava Filter

27 ☐ Meridian[®] Vena Cava Filter

☐ Denali® Vena Cava Filter

☒ Other: Bard Simon Nitinol Filter REF: 2220J, LOT: GFPD4722

11. Date of Implantation as to each product:

11/22/2005

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☐ Count XIV: Violations of Applicable _____ (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): _____ (please state the facts
supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this ____ day of _____, 20__.

LAW OFFICES OF BAIRD BROWN

By: 

Baird A. Brown, CA SBN: 56627
LAW OFFICES OF BAIRD BROWN
3055 Wilshire Blvd, Suite 1200
Los Angeles, CA 90010
Telephone: (213) 487-8880
Facsimile: (213) 487-8884
bairdbrownlaw@gmail.com
Counsel for Plaintiff

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-00188-DGC**

Coffman v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 01/20/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Douglas Ray Coffman**

represented by **Douglass Alan Kreis**
Aylstock Witkin Kreis & Overholtz
PLLC
17 E Main St., Ste. 200
Pensacola, FL 32502
850-202-1010
Fax: 850-916-7449
Email: dkreis@awkolaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/20/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number PHX181110 filed by Douglas Ray Coffman. (Attachments: # 1 Civil Cover Sheet)(LSP) (Entered: 01/20/2017)
01/20/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-0188-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 01/20/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:31:21			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-rbn
Description:	Docket Report	Search Criteria:	2:17-cv-00188-DGC
Billable Pages:	1	Cost:	0.10

FILED	LODGED
RECEIVED	COPY
JAN 20 2017	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

CV-17-00188-PHX-DGC

IN RE: BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

MDL Case No. 2:15-MD-02641-DGC

This Document Relates to:

Individual Civil Case # _____

DOUGLAS RAY COFFMAN, Plaintiff

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party: Douglas Ray Coffman
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium
claim: N/A
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):
N/A
4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the
time of implant: Texas
5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the
time of injury: Texas
6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:
Texas
7. District Court and Division in which venue would be proper absent direct filing:
Texas Northern District Court

8. Defendants (Check Defendants against whom Complaint is made):

- ☒ C.R. Bard Inc.
☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

- ☒ Diversity of Citizenship
☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery® Vena Cava Filter
☐ G2® Vena Cava Filter
☐ G2® Express Vena Cava Filter
☐ G2® X Vena Cava Filter
☐ Eclipse® Vena Cava Filter
☐ Meridian® Vena Cava Filter
☐ Denali® Vena Cava Filter
☒ Other: Simon Nitinol Vena Cava Filter

11. Date of Implantation as to each product: 6/27/2001

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
☒ Count III: Strict Products Liability – Design Defect
☒ Count IV: Negligence - Design
☒ Count V: Negligence – Manufacture
☒ Count VI: Negligence – Failure to Recall/Retrofit
☒ Count VII: Negligence – Failure to Warn
☒ Count VIII: Negligent Misrepresentation
☒ Count IX: Negligence *Per Se*
☒ Count X: Breach of Express Warranty
☒ Count XI: Breach if Implied Warranty
☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
☒ Count XIV: Violations of Applicable Texas Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
☐ Count XV: Loss of Consortium
☐ Count XVI: Wrongful Death
☐ Count XVII: Survival
☒ Punitive Damages
☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
☐ No

RESPECTFULLY SUBMITTED this 19th day of January, 2017.

Douglass A. Kreis
Aylstock, Witkin, Kreis & Overholtz, PLLC
17 East Main Street, Suite 200
Pensacola, FL 32502
Telephone: 850-202-1010
Facsimile: 850-916-7449
Email: DKreis@awkolaw.com

By: /s/ Douglass A. Kreis

I hereby certify that on this 19th day of January, 2017, I transmitted the attached document to the Clerk's Office via Federal Express for filing and transmittal of a Notice of Electronic Filing.

/s/ Douglass A. Kreis

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-04678-DGC**

Confer v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 12/18/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Robert Confer**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/18/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14974050 filed by Robert Confer. (Attachments: # 1 Civil Cover Sheet)(LSP) (Entered: 12/18/2017)
12/18/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-04678-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 12/18/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:34:06			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-rbn
Description:	Docket Report	Search Criteria:	2:17-cv-04678-DGC
Billable Pages:	1	Cost:	0.10

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2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Robert Confer

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Pennsylvania

21

22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Pennsylvania

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Pennsylvania

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Middle District of Pennsylvania

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express(G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

October 16, 2006

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Pennsylvania (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

RESPECTFULLY SUBMITTED this 18th day of December 2017.

MARC J. BERN & PARTNERS LLP

By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

Attorneys for Plaintiff(s)

I hereby certify that on this 18th day of December 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Debra J. Humphrey

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03793-DGC**

Conyers v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/16/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Danielle Conyers**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Date Filed	#	Docket Text
10/16/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14759520 filed by Danielle Conyers. (Attachments: # 1 Civil Cover Sheet)(MAP) (Entered: 10/16/2017)
10/16/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3793-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/16/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:36:05			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-rbn
Description:	Docket Report	Search Criteria:	2:17-cv-03793-DGC
Billable Pages:	1	Cost:	0.10

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2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Danielle Conyers

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Maryland

21

22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Maryland

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Maryland

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the District of Maryland

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

May 28, 2002

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Michigan (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 16th day of October, 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

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12 I hereby certify that on this 16th day of October, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

16 5131774
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CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-00451-DGC**

Craven v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 02/13/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**James Craven**

represented by **Michael T Gallagher**
Gallagher Law Firm LLP
2905 Sackett St.
Houston, TX 77098
713-222-8080
Fax: 713-222-0066
Email: donna@gl-d-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Date Filed	#	Docket Text
02/13/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-13912358 filed by James Craven. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 02/13/2017)
02/13/2017	<u>2</u>	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-451-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 02/13/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:38:09			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-rbn
Description:	Docket Report	Search Criteria:	2:17-cv-00451-DGC
Billable Pages:	1	Cost:	0.10

Michael T. Gallagher
Federal ID: 5395
The Gallagher Law Firm
2905 Sackett Street
Houston, Texas 77098
(713) 222-8080
(713) 222-0066 - Facsimile
donnaf@gld-law.com

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. MDL-15-02641-PHX-DGC

**MASTER SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL CLAIMS**

This Document Relates To:

James Craven

Civil Case # _____

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

James Craven

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

1 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the
2 time of implant:

3 District of Columbia

4 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the
5 time of injury:

6 District of Columbia

7 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

8 District of Columbia

9 7. District Court and Division in which venue would be proper absent direct filing:

10 United States District Court for the District of Columbia

11 8. Defendants (check Defendants against whom Complaint is made):

12 ☒ C.R. Bard Inc.

13 ☒ Bard Peripheral Vascular, Inc.

14 9. Basis of Jurisdiction:

15 ☒ Diversity of Citizenship

16 ☐ Other: _____

17 a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

18 _____

19 _____

20 _____

21 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim
22 (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

- ☐ G2[®] Vena Cava Filter
- ☐ G2[®] Express (G2[®]X) Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter

Other: Simon Nitinol

11. Date of Implantation as to each product:

November 20, 2014

12. Counts in the Master Complaint brought by Plaintiff(s):

- ✓ Count I: Strict Products Liability – Manufacturing Defect
- ✓ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ✓ Count III: Strict Products Liability – Design Defect
- ✓ Count IV: Negligence - Design
- ✓ Count V: Negligence - Manufacture
- ✓ Count VI: Negligence – Failure to Recall/Retrofit
- ✓ Count VII: Negligence – Failure to Warn
- ✓ Count VIII: Negligent Misrepresentation
- ✓ Count IX: Negligence *Per Se*
- ✓ Count X: Breach of Express Warranty
- ✓ Count XI: Breach of Implied Warranty
- ✓ Count XII: Fraudulent Misrepresentation
- ✓ Count XIII: Fraudulent Concealment

1 √ Count XIV: Violations of Applicable _____ (insert state) Law

2 Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

3 □ Count XV: Loss of Consortium

4 □ Count XVI: Wrongful Death

5 □ Count XVII: Survival

6 □ Punitive Damages

7 □ Other(s): _____ (please state the facts supporting this

8 Count in the space immediately below)

9 _____
10 _____
11 _____
12 _____

13 Dated: February 13, 2017

13 Respectfully submitted,

14 /s/ Michael T. Gallagher

15 Michael T. Gallagher

16 Federal ID: 5395

17 The Gallagher Law Firm

18 2905 Sackett Street

19 Houston, Texas 77098

20 (713) 222-8080

21 (713) 222-0066 - Facsimile

22 donna@gl-d-law.com

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-04467-DGC**

Crawley v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 12/04/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Mary Crawley**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/04/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14922561 filed by Mary Crawley. (Attachments: # 1 Civil Cover Sheet)(MAP) (Entered: 12/04/2017)
12/04/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-4467-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 12/04/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:10:50			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-ttd
Description:	Docket Report	Search Criteria:	2:17-cv-04467-DGC
Billable Pages:	1	Cost:	0.10

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Mary Crawley

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Washington DC

21

22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Washington DC

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Washington DC

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the District of Columbia

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®]Express(G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

February 17, 2005

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Washington DC (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 4th day of December 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

6
7
8
9
10
11
12 I hereby certify that on this 4th day of December 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:16-cv-02499-DGC**

Crutchfield v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 07/25/2016
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Hank Crutchfield**

represented by **Calle M Mendenhall**
Farris Riley & Pitt LLP
505 20th St. N, Ste. 1700
Birmingham, AL 35203
205-324-1212
Fax: 205-324-1255
Email: cmendenhall@frplegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David P Matthews
Matthews & Associates
2905 Sackett St.
Houston, TX 77098
713-522-5250
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Email: dmatthews@dmmlawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard Arthur Freese
Freese & Goss PLLC
1901 6th Ave. Ste. 3120
Birmingham, AL 35203
205-871-4144
Fax: 205-871-4104
Email: rich@freeseandgoss.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sheila M Bossier
Bossier & Associates PLLC
1520 N State St.
Jackson, MS 39202

601-352-5450
 Fax: 601-352-5452
 Email: sbossier@bossier-law.com
TERMINATED: 08/25/2016
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

C R Bard Incorporated

represented by **Richard B North , Jr**
 Nelson Mullins Riley & Scarborough
 LLC - Atlanta, GA
 Atlantic Station
 201 17th St. NW, Ste. 1700
 Atlanta, GA 30363
 404-322-6000
 Fax: 404-322-6050
 Email:
 richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
 Incorporated**

represented by **Richard B North , Jr**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/25/2016	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-13211021 filed by Hank Crutchfield. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 07/25/2016)
07/25/2016	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-16-2499-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 07/25/2016)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:24:38			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-ttd

Description:	Docket Report	Search Criteria:	2:16-cv-02499- DGC
Billable Pages:	2	Cost:	0.20

David P. Matthews
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MATTHEWS & ASSOCIATES
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Sheila M. Bossier
MS Bar No. 10618
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1520 N. State Street
Jackson, MS 39202
Tel. (601) 352-5485
Fax (601) 352-5452
sbossier@freeseandgoss.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows :

1. Plaintiff/Deceased Party:

Hank Crutchfield

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

MO

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

MO

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

MO

7. District Court and Division in which venue would be proper absent direct filing:

USDC for the Western District of Missouri – Western Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter (s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☒ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

10/06/2011

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable MO (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts sup porting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 25th day of July, 2016.

MATTHEWS & ASSOCIATES

By: /s/ David P. Matthews

David P. Matthews

2905 Sackett St.

Houston, TX 77098

FREESE & GOSS, PLLC

Sheila M. Bossier

1520 N. State Street

Jackson, MS 39202

Attorneys for Plaintiff

I hereby certify that on this 25th day of July, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ David P. Matthews

David P. Matthews

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:16-cv-03672-DGC**

Daniels v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/24/2016
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Florine Daniels**

represented by **Joseph R Johnson**
Babbitt & Johnson PA
1641 Worthington Rd., Ste. 100
W Palm Beach, FL 33409
561-684-2500
Fax: 561-684-6308
Email: jjohnson@babbitt-johnson.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

--	--	--

Date Filed	#	Docket Text
10/24/2016	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-1353181 filed by Florine Daniels. (Attachments: # <u>1</u> Civil Cover Sheet)(LSP) (Entered: 10/25/2016)
10/24/2016	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-16-3672-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 10/25/2016)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:34:17			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-ttd
Description:	Docket Report	Search Criteria:	2:16-cv-03672-DGC
Billable Pages:	1	Cost:	0.10

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

FLORINE DANIELS

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:

Rhode Island

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of injury:

Rhode Island

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

 Rhode Island

7. District Court and Division in which venue would be proper absent direct filing:

 District Court of Rhode Island

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

8. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

9. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

- ☐ G2[®] X Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter
- X Other: __Simon Nitinol__

10. Date of Implantation as to each product:

05/04/2006

11. Counts in the Master Complaint brought by Plaintiff(s):

- X Count I: Strict Products Liability – Manufacturing Defect
- X Count II: Strict Products Liability – Information Defect (Failure to Warn)
- X Count III: Strict Products Liability – Design Defect
- X Count IV: Negligence - Design
- X Count V: Negligence - Manufacture
- X Count VI: Negligence – Failure to Recall/Retrofit
- X Count VII: Negligence – Failure to Warn
- X Count VIII: Negligent Misrepresentation
- X Count IX: Negligence *Per Se*
- X Count X: Breach of Express Warranty
- X Count XI: Breach of Implied Warranty
- X Count XII: Fraudulent Misrepresentation
- X Count XIII: Fraudulent Concealment

X Count XIV: Violations of Applicable Rhode Island Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

X Punitive Damages

☐ Other(s): _____ (please state the facts
supporting this Count in the space immediately below)

12. Jury Trial demanded for all issues so triable?

X Yes

☐ No

RESPECTFULLY SUBMITTED this 24th day of October, 2016.

BABBITT & JOHNSON, P.A.

By: /s/ Joseph R. Johnson
Joseph R. Johnson (Fla. Bar No. 372250)
Suite 100
1641 Worthington Road
West Palm Beach, FL 33409
(561) 684-2500
jjohnson@babbitt-johnson.com

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03288-DGC**

Deane v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 09/22/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Betsie Deane**

represented by **Blair Bertram Matyszczyk**
Bertram & Graf LLC
2345 Grand Blvd., Ste. 1925
Kansas City, MO 64108
816-523-2205
Fax: 816-523-8258
Email: blair@bertramgraf.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/22/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14677884 filed by Betsie Deane. (Attachments: # 1 Civil Cover Sheet)(LSP) (Entered: 09/22/2017)
09/22/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-03288-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 09/22/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:41:14			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-ttd
Description:	Docket Report	Search Criteria:	2:17-cv-03288-DGC
Billable Pages:	1	Cost:	0.10

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMNEDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:
Betsie Deane

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:
N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):
N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:
Pennsylvania

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of injury:

Pennsylvania

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Pennsylvania

7. District Court and Division in which venue would be proper absent direct
filing:

United States District Court, Eastern District of Pennsylvania

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master
Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

☐ G2® Express Vena Cava Filter

☐ G2® X Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☐ Meridian® Vena Cava Filter

☐ Denali® Vena Cava Filter

- 1 ☒ Other: Simon Nitinol
- 2 11. Date of Implantation as to each product:
- 3 July 22, 2008
- 4 12. Counts in the Master Complaint brought by Plaintiff(s):
- 5 ☒ Count I: Strict Products Liability – Manufacturing Defect
- 6 ☒ Count II: Strict Products Liability – Information Defect (Failure
- 7 to Warn)
- 8 ☒ Count III: Strict Products Liability – Design Defect
- 9 ☒ Count IV: Negligence – Design
- 10 ☒ Count V: Negligence – Manufacture
- 11 ☒ Count VI: Negligence – Failure to Recall/Retrofit
- 12 ☒ Count VII: Negligence – Failure to Warn
- 13 ☒ Count VIII: Negligent Misrepresentation
- 14 ☒ Count IX: Negligence *Per Se*
- 15 ☒ Count X: Breach of Express Warranty
- 16 ☒ Count XI: Breach of Implied Warranty
- 17 ☒ Count XII: Fraudulent Misrepresentation
- 18 ☒ Count XIII: Fraudulent Concealment
- 19 ☒ Count XIV: Violations of Applicable Pennsylvania Law
- 20 Prohibiting Consumer Fraud and Unfair and Deceptive Trade
- 21 Practices
- 22 ☐ Count XV: Loss of Consortium
- 23 ☐ Count XVI: Wrongful Death
- 24 ☐ Count XVII: Survival
- 25 ☒ Punitive Damages
- 26 ☐ Other(s): _____: (please state the facts
- 27 supporting this Count in the space immediately below)
- 28 _____

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 22nd day of September, 2017

BERTRAM & GRAF, L.L.C.

By: /s/ Blair B. Matyszczyk
Blair B. Matyszczyk
(admitted *pro hac vice*)
4717 Grand Avenue, Suite 800
Kansas City, MO 64112
Telephone: (816) 523-2205
Email: blair@bertramgraf.com

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, _____ I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Blair B. Matyszczyk
Attorney for Plaintiff

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:18-cv-01661-DGC**

Duncan et al v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 05/31/2018
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff

Vernon R Duncan
Individually

represented by **Nicole K H Maldonado**
Baum Hedlund Aristei & Goldman PC
10940 Wilshire Blvd., 17th Fl.
Los Angeles, CA 90024
310-207-3233
Fax: 310-207-4204
Email:
nmaldonado@baumhedlundlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Gena Duncan
Adult Child

represented by **Nicole K H Maldonado**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Jeremy Duncan
Adult Child

represented by **Nicole K H Maldonado**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

LeAnn Parm
Adult Child

represented by **Nicole K H Maldonado**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

C R Bard Incorporated

represented by

Richard B North , Jr

Nelson Mullins Riley & Scarborough
 LLC - Atlanta, GA
 Atlantic Station
 201 17th St. NW, Ste. 1700
 Atlanta, GA 30363
 404-322-6000
 Fax: 404-322-6050
 Email:
 richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
 Incorporated**

represented by **Richard B North , Jr**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/31/2018	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-15559956 filed by Vernon R Duncan, Gena Duncan, LeAnn Parm, Jeremy Duncan. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 06/01/2018)
05/31/2018	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-18-1661-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 06/01/2018)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:46:16			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-ttd
Description:	Docket Report	Search Criteria:	2:18-cv-01661-DGC
Billable Pages:	2	Cost:	0.20

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

This document relates to:

Vernon R. Duncan; Individually;
and adult children: Gena Duncan;
Jeremy Duncan; LeAnn Parm.

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).
Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:
Vernon R. Duncan
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:
Adult children: Gena Duncan, Jeremy Duncan, LeAnn Parm
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:
Michigan

7. District Court and Division in which venue would be proper absent direct filing:

U.S.D.C., Eastern District of Michigan

8. Defendants (check Defendants against whom Complaint is made):

- ☒ C. R. Bard Inc.
☐ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

- ☒ Diversity of Citizenship
☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery[®] Vena Cava Filter
☐ G2[®] Vena Cava Filter
☐ G2[®] Express Vena Cava Filter
☐ G2[®] X Vena Cava Filter
☐ Eclipse[®] Vena Cava Filter
☐ Meridian[®] Vena Cava Filter

- 1 ☐ Denali® Vena Cava Filter
- 2 ☒ Other: Simon Nitinol Inferior Vena Cava (IVC) Filter
- 3 11. Date of Implantation as to each product:
- 4 On 10/02/07, Plaintiff underwent insertion of the Simon Nitinol Inferior
- 5 Vena Cava (IVC) Filter
- 6 12. Counts in the Master Complaint brought by Plaintiff(s):
- 7 ☒ Count I: Strict Products Liability – Manufacturing Defect
- 8 ☒ Count II: Strict Products Liability – Information Defect (Failure
- 9 to Warn)
- 10 ☒ Count III: Strict Products Liability – Design Defect
- 11 ☒ Count IV: Negligence - Design
- 12 ☒ Count V: Negligence - Manufacture
- 13 ☒ Count VI: Negligence – Failure to Recall/Retrofit
- 14 ☒ Count VII: Negligence – Failure to Warn
- 15 ☒ Count VIII: Negligent Misrepresentation
- 16 ☒ Count IX: Negligence *Per Se*
- 17 ☒ Count X: Breach of Express Warranty
- 18 ☒ Count XI: Breach of Implied Warranty
- 19 ☒ Count XII: Fraudulent Misrepresentation
- 20 ☒ Count XIII: Fraudulent Concealment
- 21 ☒ Count XIV: Violations of Applicable Michigan (insert
- 22 state) Law Prohibiting Consumer Fraud and Unfair and
- 23 Deceptive Trade Practices
- 24 ☒ Count XV: Loss of Consortium
- 25 ☐ Count XVI: Wrongful Death
- 26 ☐ Count XVII: Survival
- 27 ☒ Punitive Damages
- 28


☐ Other(s): _____ (please state the facts
supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 30 day of May, 2018.

By: 
Nicole Maldonado
Baum, Hedlund, Aristei and Goldman
12100 Wilshire Blvd., Suite 950
Los Angeles, CA 90025

I hereby certify that on this 30 day of May, 20 18, I electronically
transmitted the attached document to the Clerk's Office using the CM/ECF System for
filing and transmittal of a Notice of Electronic Filing.

/s/ Nicole K.H. Maldonado

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:18-cv-00325-DGC**

Elder v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 01/30/2018
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**June Elder**

represented by **Calle M Mendenhall**
Farris Riley & Pitt LLP
505 20th St. N, Ste. 1700
Birmingham, AL 35203
205-324-1212
Fax: 205-324-1255
Email: cmendenhall@frplegal.com
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by

Richard B North , Jr

Nelson Mullins Riley & Scarborough
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 Atlanta, GA 30363
 404-322-6000
 Fax: 404-322-6050
 Email:
 richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
 Incorporated**

represented by **Richard B North , Jr**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/30/2018	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-15111999 filed by June Elder. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 01/30/2018)
01/30/2018	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-18-325-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 01/30/2018)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:50:50			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-ttd
Description:	Docket Report	Search Criteria:	2:18-cv-00325-DGC
Billable Pages:	2	Cost:	0.20

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Richard Freese
AL Bar No. 6879-E67R
Calle M. Mendenhall
AL Bar No. 7985-W37E
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calle@freeseandgoss.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows :

1. Plaintiff/Deceased Party:

June Elder

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

GA

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

GA

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

GA

7. District Court and Division in which venue would be proper absent direct filing:

USDC for the Southern District of GA – Augusta Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter (s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol (Permanent)

11. Date of Implantation as to each product:

10/24/2006

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable GA (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts sup porting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 30th day of January, 2018.

MATTHEWS & ASSOCIATES

By: /s/ David P. Matthews
David P. Matthews
2905 Sackett St.
Houston, TX 77098

FREESE & GOSS, PLLC

Richard Freese
Calle M. Mendenhall
FREESE & GOSS, PLLC
1901 6th Ave N. Ste. 3120
Birmingham, AL 35203

Attorneys for Plaintiff

I hereby certify that on this 30th day of January, 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ David P. Matthews
David P. Matthews

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03371-DGC**

Fenderson v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 09/29/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Danielle L Fenderson**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated****Defendant****Bard Peripheral Vascular
Incorporated**

Date Filed	#	Docket Text
09/29/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14707319 filed by Danielle L Fenderson. (Attachments: # 1 Civil Cover Sheet)(MAP) (Entered: 10/02/2017)
09/29/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3371-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/02/2017)

PACER Service Center

Transaction Receipt			
10/30/2018 12:57:58			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-ttd
Description:	Docket Report	Search Criteria:	2:17-cv-03371- DGC
Billable Pages:	1	Cost:	0.10

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2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Danielle L. Fenderson

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15
16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Ohio

21

22

1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
2 the time of injury:

3 Georgia

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5 Georgia

6 7. District Court and Division in which venue would be proper absent direct filing:

7 United States District Court for the Northern District of Georgia

8 8. Defendants (check Defendants against whom Complaint is made):

9 ☒ C.R. Bard Inc.

10 ☒ Bard Peripheral Vascular, Inc.

11 9. Basis of Jurisdiction:

12 ☒ Diversity of Citizenship

13 ☐ Other: _____

14 a. Other allegations of jurisdiction and venue not expressed in Master
15 Complaint:

16 Multi-District Litigation

17
18
19 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a
20 claim (Check applicable Inferior Vena Cava Filter(s)):

21 ☐ Recovery[®] Vena Cava Filter

22 ☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☒ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: Simon Nitinol Filter

11. Date of Implantation as to each product:

November 11, 2014

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable Georgia (insert state)

Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

1 RESPECTFULLY SUBMITTED this 29th day of September, 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

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11
12 I hereby certify that on this 29th day of September, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

16 5131774
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CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-00877-DGC**

Fucci v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 03/24/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff

Antoinette Fucci
as Representative of Pasquale Fucci
on behalf of
Pasquale Fucci

represented by **Calle M Mendenhall**
Farris Riley & Pitt LLP
505 20th St. N, Ste. 1700
Birmingham, AL 35203
205-324-1212
Fax: 205-324-1255
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by

Richard B North , Jr

Nelson Mullins Riley & Scarborough
 LLC - Atlanta, GA
 Atlantic Station
 201 17th St. NW, Ste. 1700
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 404-322-6000
 Fax: 404-322-6050
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 richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
 Incorporated**

represented by **Richard B North , Jr**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/24/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14050678 filed by Antoinette Fucci. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 03/24/2017)
03/24/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-877-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 03/24/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 13:00:12			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-ttd
Description:	Docket Report	Search Criteria:	2:17-cv-00877-DGC
Billable Pages:	2	Cost:	0.20

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows :

1. Plaintiff/Deceased Party:

Pasquale Fucci

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Antoinette Fucci

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

Antoinette Fucci, as representative

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

FL

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

FL

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

FL

7. District Court and Division in which venue would be proper absent direct filing:

USDC for the Middle District of Florida

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter (s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol (Permanent)

11. Date of Implantation as to each product:

12/13/2007

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable FL (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☒ Count XV: Loss of Consortium
- ☒ Count XVI: Wrongful Death
- ☒ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts sup porting
this Count in the space immediately below)

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13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

RESPECTFULLY SUBMITTED this 24th day of March, 2017.

MATTHEWS & ASSOCIATES

By: /s/ David P. Matthews
David P. Matthews
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Attorneys for Plaintiff

1 I hereby certify that on this 24th day of March, 2017, I electronically transmitted the
2 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal
3 of a Notice of Electronic Filing.

4 /s/ David P. Matthews
5 David P. Matthews
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